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## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 324, FOOD AND DRUGS ACT.

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#### ADULTERATION AND MISBRANDING OF SYRUP.

On or about April 22, 1908, D. R. Wilder Manufacturing Company, Atlanta, Ga., shipped from the State of Georgia to the State of Mississippi forty-four cases of syrup. Analysis of samples of this product made in the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Southern District of Mississippi.

In due course a libel was filed against the said forty-four cases of syrup charging adulteration of the product, in that a substance, namely, Glucose, had been mixed and packed with it in a manner to reduce, lower, and injuriously affect its quality and strength, and was substituted in part for the genuine article, and was misbranded, in that it was labeled "Georgia Cane Wilder's Uniform Brand Syrup" in prominent type "Best in the world. The syrup that made Georgia famous. \* \* \* This package contains 85% pure Georgia Cane and 15% pure corn syrup which is added to prevent granulation," which form of labeling was false, misleading and deceptive and tended to deceive and mislead the purchaser in that it indicated to him that he was procuring a cane syrup, whereas in fact, the product contained a considerable quantity of corn syrup and was a compound of cane syrup and corn syrup (glucose).

Thereupon the D. R. Wilder Manufacturing Company entered its appearance and set up its claim to the product.

On May 3, 1909, the case came on for hearing and the court rendered its decree of condemnation and forfeiture, and ordered that the goods be delivered to the claimant upon payment of costs and the filing of a bond conditioned that the product should not be sold in violation of the laws of the United States, or any State, Territory, or insular possession of the United States.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., April 26, 1910.

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## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 325, FOOD AND DRUGS ACT.

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#### MISBRANDING OF SYRUP.

On or about April 2, 1909, Rigney & Company, of Brooklyn, N. Y., shipped from the State of New York to the State of Missouri 13 cases of a syrup labeled "Aunt Jemima's Sugar Cream, a Blend of Rock Candy and Maple Syrup Cream, Rigney & Company, Brooklyn, N. Y." An analysis of this product, made in the Bureau of Chemistry of the United States Department of Agriculture, showed it to be adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Missouri. In due course a libel was filed against the said 13 cases of syrup, charging adulteration of the product in that glucose products had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength, and in that said glucose products had been substituted in part for the genuine article, and was misbranded in that it was labeled "Aunt Jemima's Sugar Cream, a Blend of Rock Candy and Maple Syrup Cream", which statements were false, misleading, and deceptive because the product was not a blend of rock candy and maple syrup cream, but contained a liquid, of which 12.9 per cent. was glucose products, and further in that the said product was offered for sale under the distinctive name of another article.

On August 2, 1909, Rigney & Company entered an appearance, filed their claim as owners of the goods, and filed a demurrer to the libel, and on September 18, 1909, an amended libel was filed by leave of court. On September 29, 1909, a demurrer was filed by leave of court. On September 29, 1909, a demurrer to the amended libel was filed by

the claimants and the case coming on for hearing on the demurrer on October 15, 1909, the court overruled the demurrer. The defendant subsequently filed an answer, waived a trial by jury, in open court, and the case coming on for hearing on November 22, 1909, was submitted to the court on testimony and argument of counsel. On January 10, 1910, the court rendered a decree in favor of the claimant and ordered the goods to be released and the costs to be taxed against the libellant.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

Decisions of the United States District Courts and United States Circuit Courts of Appeals adverse to the Government will not be regarded as final until acquiescence shall have been published.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., April 26, 1910.

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Issued June 4, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 326, FOOD AND DRUGS ACT.

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### ADULTERATION AND MISBRANDING OF "CELERY COLA."

(SOFT DRINK CONTAINING COCAIN AND CAFFEIN.)

On or about October 6, 1908, J. C. Mayfield, J. G. Bradley, J. F. Hawkins, and J. W. Altman, trading as the Birmingham Celery Cola Company, Birmingham, Ala., shipped from the State of Alabama to the State of Louisiana a consignment of a food product labeled "Celery Cola." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report thereon that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the above named defendants, together with the dealer from whom the samples were procured, opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney General, with a statement of the evidence upon which to base a prosecution. In due course a criminal information was filed in the District Court of the United States for the Northern District of Alabama, charging the above shipment and alleging that the product was adulterated, in that it contained added poisonous and deleterious ingredients which might render the article injurious to health, namely, caffein, cocain, and cocain derivatives; and was misbranded, in that it contained cocain and that the quantity or proportion of such cocain contained therein was not declared upon the label.

As no service of process was had on J. C. Mayfield, the case against him was not prosecuted. To the information the defendants J. G. Bradley, J. F. Hawkins, and J. W. Altman entered pleas of not guilty, and, in due course, the case coming on for trial and a jury

having been demanded by the defendants, the court, after hearing testimony submitted and arguments of counsel, submitted the case to the jury under the following instructions:

THE UNITED STATES v. J. G. BRADLEY, J. F. HAWKINS, AND J. W. ALTMAN.

(District Court, N. D. Alabama, D. S. March 11, 1910.)

*GRUBB, District Judge,* (Charging the jury): Gentlemen of the jury, the defendants in this case are charged with having violated certain provisions of what is known as the Food and Drugs Act, an Act passed by Congress in 1906, the purpose of which was to protect consumers against impure and adulterated foods and drugs and also against the use of foods or drugs which do not show what they contain by the brands on the package. Congress did not have any power to make this law concerning matters relating to commerce entirely within one State, but only as to commerce between one State and another State. The States themselves have the exclusive power to regulate their own internal commerce. So the prohibition of this act is directed only against the introduction into interstate commerce of any article of food or drink, or of any drug, either adulterated or misbranded. These two acts, adulteration and misbranding, are made offenses when they occur in an article which is introduced into interstate commerce. Now you will see that the first proposition in this case will be whether or not this shipment was one of an interstate character. This proposition is simplified for your consideration, however, by the admission that this particular jug, which is made the subject of this prosecution, was shipped from Birmingham, Alabama, to New Orleans, Louisiana. Therefore it is conceded that it was introduced into interstate commerce by someone.

Now, as I say, the prohibition is against the introduction into interstate commerce of any article of food which is either misbranded or adulterated. I charge you that the shipment in this case was a food product within the meaning of the Act of Congress.

In order to make out a case under the first count of the information, which charges misbranding, three things would be necessary for you to believe from the evidence, and beyond a reasonable doubt. The first is, that there was in the shipment some constituent which should have been, and was not, shown by the brand. The Act itself defines what constitutes misbranding in some respects. If the article shipped contains cocaine and that fact is not indicated by the brand, then the failure to so indicate its presence by the brand is defined to be misbranding. In order to convict on this count, you would have to find that there was cocaine in the jug which went to New Orleans, and that there was nothing on the jug which indicated that it contained cocaine, and that the defendants or some one or more of them were responsible for the introduction of that jug into interstate commerce. These three things you would have to be convinced of beyond a reasonable doubt to convict under the first count of this information.

Now as to the presence of cocaine in this liquid there seems to be little dispute. The Government experts testified that it was there, and there is no contradiction of this fact by the defendants. Therefore, if the testimony of the Government experts convinces you beyond a reasonable doubt of the presence of cocaine in this liquid—and you have no right to reject their testimony capriciously and without good cause—this fact is sufficiently established. It is conceded that this jug had no brand upon it indicating the presence of cocaine in the liquid in the jug.

Then, the next proposition for you to consider is whether or not these defendants were responsible for the introduction of this shipment into interstate commerce. It is admitted that this jug was introduced into interstate commerce by some one. The evidence shows that the order on which the jug was shipped was received by the

Birmingham Celery Cola Company, and by it filled by shipping the jug from Birmingham to New Orleans. Clearly the Birmingham Celery Cola Company primarily introduced this shipment into interstate commerce. The corporation, however, is not informed against in this prosecution. A corporation acts only by agents. The law is, that if any agent does an illegal act on behalf of his principal, he makes not only the principal liable for his act, but himself as well. An agent cannot shift the responsibility for wrong-doing altogether from his own shoulders onto those of his principal. If the act was illegal, the manager who filled the order and shipped the stuff would be responsible, even though his responsibility was shared by his principal. The manager is not informed against in this prosecution, however. The men who are informed against are stockholders and officers of the company. So far as the mere fact of their being officers and stockholders in the corporation is concerned, I charge you that it does not make them responsible in this prosecution; but their responsibility depends altogether upon whether or not they conferred on the manager the authority to ship Celery Cola from one State into another; and whether the shipment upon which this prosecution is based was made by the manager pursuant to the authority so conferred.

The question for you to inquire into is whether or not the defendants are shown by the evidence, to your satisfaction, to have given the manager the authority to do what he did in shipping this Celery Cola out of Birmingham to New Orleans. If, from the evidence, you are satisfied beyond a reasonable doubt that this authority was conferred upon him by the defendants, then they would be just as responsible as the manager or the Birmingham Celery Cola Company. The evidence tends to show that Celery Cola had been shipped during the time from January first, 1908, until the date of the shipment on which was based this prosecution, which was some time in October of that year. It also tends to show that, when this company began to get into financial difficulty, the defendants secured the manager to take charge of the plant, operate it and sell its product. That much is conceded by both sides. There is also evidence tending to show that they told the manager expressly to sell the Celery Cola on hand. And I take it that the operation of the plant and the conduct of the business would imply the authority in the manager to sell its product of whatsoever kind. I think that it is to be fairly inferred that the authority conferred on the manager by the defendants was that he carry on the business and dispose of the product as it had been done according to the previous course of business. If the authority of the manager, so conferred, was not expressly restricted to sales made in Alabama, and according to the previous course of business sales had been made to other states, a fair inference would be that the manager was authorized by defendants to conduct an interstate traffic in Celery Cola. So, if the previous course of business had been to sell without branding the packages as containing cocaine, a fair inference would be that the manager was authorized by these defendants to conduct the business without such branding. The fact that the defendants in all their testimony denied knowledge that Celery Cola contained cocaine is evidence that the previous course of business of the company had been to sell it without branding it as containing cocaine. If general authority was conferred on the manager by the defendants to sell Celery Cola, when he took charge, it would not be necessary that express authority be given him to fill each order. Until the authority was revoked, it would cover all shipments without renewal on the occasion of each shipment.

The Celery Cola extract was manufactured in St. Louis and shipped by the manufacturers to the company of which defendants were officers at Birmingham. The extract was shipped in barrels, each barrel stamped with the guaranty, signed by the manufacturer, that the extract was neither misbranded nor adulterated within the meaning of the Food and Drug Act. The Birmingham company mixed the extract with a boiling syrup, composed of sugar and water, in the proportion of one part of the extract to ten parts of the syrup, and it was the syrup, so compounded,

that was shipped by the Birmingham company in the conduct of its business. The defendants testified that they had no knowledge, during the time the Birmingham company handled the extract, that it contained either cocaine or caffenin, in any quantities, and rely on the ninth section of the Act, which excuses the dealer, who buys the article from a manufacturer with the guaranty from him that the article is neither misbranded nor adulterated within the meaning of the Food and Drug Act. Proof of the absence of knowledge on the dealer's part that the article is obnoxious to some of the provisions of the Act is only a defense when the article is purchased from a manufacturer, and a guaranty taken from the manufacturer that it complies with the requirements of the Act. The second section of the Act prohibits the introduction into interstate commerce of any article of food, or drugs, which is adulterated or misbranded. The ninth section provides that no dealer shall be prosecuted under the provisions of the Act when he can establish a guaranty, signed by the manufacturer from whom he purchased such articles, to the effect that the same article is not adulterated or misbranded within the meaning of the Act; in which case, the manufacturer shall be amenable to the prosecutions, fines, and other penalties, which would otherwise attach to the dealer. The purpose of Congress was to place liability for the violation of the law upon some one in each instance. Primarily the liability is on the dealer who introduces the article into interstate commerce. The liability can be shifted from the dealer only by imposing the same liability upon the manufacturer. This can be done only by virtue of the manufacturer's guaranty to the dealer. If, for any reason, the guaranty is insufficient to impose liability upon the manufacturer, it remains where it primarily rested, upon the dealer. To have the effect of releasing the dealer from liability for the violation of the Act complained of in this prosecution, the guaranty must be of a character to impose liability for the same violation upon the manufacturer, if he were substituted for these defendants in this case; otherwise, both parties would escape liability, and the purpose expressed by Congress be defeated. The Act says that the manufacturer who signs the guaranty shall be subject to the same prosecution and penalties as the dealer. If a conviction could not be sustained against the manufacturer upon its guaranty, if substituted for the defendants in this case, then the taking of the guaranty by defendants would be no defense to their violation of the law in reference to the shipment in question, though they had no knowledge that it was adulterated or misbranded. In order for the manufacturer's guaranty to be effective to impose any liability upon him for any violation of law as to the article, which is the basis of this prosecution, the guaranty must relate to the identical article introduced into interstate commerce by the defendants as dealers. Otherwise the answer of the manufacturer to the prosecution would be that he had never guaranteed the article shipped by the dealer, and the answer would be complete. Change of the original package might not constitute a change of identity. In this case there was more. The manufacturer furnished the dealer with the extract, and the dealer shipped the syrup. Commercially, if not chemically, the two were different. The extract was a mere constituent of the syrup, and not the syrup itself. The manufacturer did not guarantee the article shipped by the dealer and on which this prosecution is based; could not be convicted for the violation of the Act, charged against the defendants in relation to it, by reason of the guaranty, and for that reason the taking of the guaranty was not a protection to the defendants. When they changed the identity of the extract, they elected to abandon the protection of the manufacturer's guaranty and were responsible for the character of the new article, the syrup, made and shipped by them, or under their authority. Neither the defendants' want of knowledge of the presence of cocaine in the extract, nor the guaranty taken by them from the manufacturer, would excuse their failure to properly brand the jug, under this count of the information.

The second count of the information charges the defendants with having introduced into interstate commerce an article containing a deleterious ingredient, injurious to health, viz., cocaine; and the third count relies in the same way upon an

article alleged to contain caffeine. These counts are based upon adulteration, the statutory definition of which is, the adding to a food product of a deleterious ingredient, injurious to health. The same principles as to the responsibility of these defendants for the acts of their manager, and with reference to the effect of the guaranty taken by them from the manufacturer, stated as relating to the first count, apply as well to the second and third counts. In order to convict on these counts, the jury must find further from the evidence, with the degree of certainty required in criminal cases, in the first place, that the Celery Cola shipped to New Orleans contained cocaine or caffeine, under the respective counts, and then that either or both was deleterious and injurious to health. The presence of each of these substances in appreciable quantities in the jug of Celery Cola in question is testified to by the Government chemists, and is not disputed by any evidence offered by the defendants. You are the exclusive judges of the credibility of witnesses, but it would not be proper for you to capriciously reject testimony which is uncontradicted in the case.

If you determine the presence of either or both of these substances in the shipment in question, it would then become your duty to determine from the evidence whether either or both, as used in Celery Cola, were injurious to health. As Celery Cola is intended for a beverage and not a drug, you would have the right in determining this question to consider the injury from the probable frequent and repeated use of the article as a beverage, rather than its rare and occasional use as a drug. You have heard the evidence of the Government witnesses, who are physicians, as to their opinion concerning the injurious qualities of both of these substances in the quantities found in Celery Cola, when used as frequently as beverages are likely to be used. The defendants introduced no evidence to contradict that offered by the Government. You are also the exclusive judges of its credibility, but should not, without good reason, disregard evidence not contradicted.

It is your duty to take the law of the case from the court, as it has been given to you in this charge. Though your opinion might be that the law imposes a hardship upon these defendants in holding them responsible for the contents of an extract of which they were ignorant, and which they had purchased with a guaranty from the manufacturer; this opinion, if you entertain it, should not operate to prevent a conviction in this case, if you are satisfied beyond a reasonable doubt of the facts necessary to constitute the offense, as I have defined it. If not so satisfied, it would be your duty to acquit the defendants, and the importance of the enforcement of the law should have no weight as against such a conclusion. The enforcement of no law is of sufficient importance to justify a conviction, except upon such evidence.

If you are satisfied to the degree required that the defendants are guilty of misbranding the jug of Celery Cola, exhibited to you, it would be your duty to find them guilty under the first count of the information. If you are satisfied that they are guilty of adulterating it with cocaine or caffeine, then it would be your duty to find them guilty under the second or third counts, respectively, or both. If you are not so satisfied of their guilt in misbranding or adulterating the Celery Cola, which is the basis of the prosecution, then you should acquit them.

On March 11, 1910, the jury returned a verdict of guilty as to J. F. Hawkins and J. W. Altman and a verdict of not guilty as to J. G. Bradley; and on April 7, 1910, the court imposed a fine of \$25 on each of the defendants found guilty.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 12, 1910.







Issued June 4, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 327, FOOD AND DRUGS ACT.

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### MISBRANDING OF A DRUG—"GIN-SENG-GIN."

On or about August 26, 1909, Victor E. Shields and William H. Shields, trading under the firm name of Gin-Seng-Gin Co., of Cincinnati, Ohio, shipped from the State of Ohio to the State of Michigan a consignment of a drug labeled:

(Obverse)

Gin - Seng - Gin Compound. Alcoholic strength 37.50% vol. 75 Deg. proof. With Phosphate. "The Gin with a push." Guaranteed under the National Pure Food and Drugs Act, June 30, 1906. Gin-Seng-Gin Co., Cincinnati, O.

(Reverse)

"The Gin with a push!" Gin-Seng-Gin. The best Gin for fizzes, rickies and cocktails. We guarantee this preparation to be as pure as skill and science can make it. Free from tannin and sugar, and recommend it for certain forms of kidney and bladder troubles. Sold only in glass. Refilling prohibited, subject to prosecution.

Samples of this product were procured and analyzed by the Bureau of Chemistry of the United States Department of Agriculture, and as it appeared from the findings of the analyst and report made that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said Gin-Seng-Gin Co. and the dealer from whom the samples were procured were given opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed against the said Victor E. Shields and William H. Shields in the District Court of the United States for the Southern District of Ohio, charging the above shipment and alleging that the product was misbranded in that the label bore the words "Gin-Seng-Gin," which words were misleading and de-

ceptive and tended to deceive and mislead the purchaser into the belief that the said product was a gin or a compound of gin and Gin Seng, whereas in fact, it is not a gin nor a compound of gin and Gin Seng; and was further misbranded in that the label contained the words "The Gin with a push! \* \* \* The best Gin for fizzes, rickies and cocktails," which statement tended to deceive and mislead the purchaser into the belief that the said product was a gin, whereas, in fact, it was not a gin; and was further misbranded in that the label contains the words "With Phosphate," which statement is false and misleading and tends to deceive and mislead the purchaser into the belief that phosphate is a constituent of the product, whereas, in fact, the quantity or proportion of phosphate contained in the product is small and infinitesimal, being but 0.05 per cent, and does not justify or warrant the use on the label of the words "With Phosphate," and was further misbranded in that the use upon the label of the devices simulating and resembling Chinese characters and writing tended to deceive and mislead the purchaser into the belief that the said product was of foreign manufacture and of Chinese origin, whereas, in fact, the product was not of foreign manufacture nor of Chinese origin.

On April 4, 1910, defendants entered a plea of guilty and the court imposed a fine of \$25.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 12, 1910.



Issued June 4, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 328, FOOD AND DRUGS ACT.

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### ADULTERATION AND MISBRANDING OF FRUIT SYRUPS.

On or about August 28, 1909, Victor E. Shields and William H. Shields, trading under the firm name of the National Sales Company of Cincinnati, Ohio, shipped from the State of Ohio into the State of Indiana, consignments of food products labeled respectively, "Cherry Syrup," "Peppermint Syrup," "Pineapple Syrup," and "Orange Syrup." Samples of these products were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and, as it appeared from the findings of the analyst and report made that the products were adulterated and misbranded in violation of the Food and Drugs Act, June 30, 1906, the Secretary of Agriculture afforded the National Sales Company an opportunity to be heard.

As it appeared after hearing held that the said shipment was in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution. In due course a criminal information was filed in the District Court of the United States for the Southern District of Ohio, charging the above shipment and alleging that the Cherry Syrup was adulterated in that another substance, namely, an imitation cherry flavor and syrup, was substituted wholly or in part for the genuine food product and was artificially colored in a manner whereby to conceal its inferiority, and was misbranded in that it was offered for sale under the distinctive name of another article; the peppermint syrup was adulterated in that another substance, namely, a dilute extract of peppermint, was substituted, wholly or in part, for the genuine food product and that said dilute extract of peppermint was mixed and packed with the product so as to reduce, lower, and injuriously affect its quality and strength, and was artificially colored in a manner to conceal its inferiority, and was misbranded in that it was sold under

the distinctive name of another article; and the pineapple syrup and the orange syrup were adulterated in that there had been substituted, wholly or in part, for the genuine food products, an imitation pineapple flavor and syrup, and an imitation orange flavor syrup, and that said products were each artificially colored in a manner to conceal their inferiority, and each was misbranded in that they were each sold under the distinctive name of another article.

On April 4, 1910, the defendants entered a plea of guilty and were fined \$25 on each of four counts.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *May 12, 1910.*

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# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 329, FOOD AND DRUGS ACT.

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### MISBRANDING OF A DRUG—"DR. KOHLER'S ANTIDOTE."

(ALLEGED HEADACHE CURE.)

On or about April 15, 1909, the Kohler Manufacturing Company, a corporation, Baltimore, Md., shipped from the State of Maryland to the State of Tennessee a consignment of a drug product labeled: "Dr. Kohler's Antidote." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and the report thereon that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the Kohler Manufacturing Company, and the dealer from whom the samples were procured, opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution. In due course a criminal information was filed in the District Court of the United States for the District of Maryland charging the above shipment and alleging that the product was misbranded in that the label contained the statement: "Kohler's Antidote cures headache," which statement was false and misleading in that the product was not a cure for headache, and was further misbranded in that it contained the statement "One powder should be taken for headache, neuralgia, disordered stomach and other ailments for which it is a cure," which statement was false and misleading in that it indicated that the product was a cure for headache, neuralgia, and disordered stomach, whereas in fact it was not a cure for headache, neuralgia, and disordered stomach.

On February 19, 1910, the defendant entered a plea of guilty and the court imposed a fine of \$25.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 12, 1910.





S. No. 239.  
F. & D. No. 606.

Issued June 4, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 330, FOOD AND DRUGS ACT.

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### MISBRANDING OF CANNED APRICOTS.

(SHORT WEIGHT.)

On or about October 14, 1908, G. H. Waters, Pomona, Cal., shipped from the State of California to the State of Indiana 200 cases of canned apricots. Examinations of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the above examinations that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Indiana. In due course a libel was filed against the said 200 cases of canned apricots, charging misbranding in that each case was labeled in substance in a manner to indicate that each of the cans contained therein weighed  $2\frac{1}{2}$  pounds, whereas in fact the gross weight of each of the cans contained therein averaged from 2 pounds 3 ounces to 2 pounds 5 ounces, and praying seizure, condemnation, and forfeiture.

On June 25, 1909, I. R. Howard entered an appearance, filed his claim to the goods and also filed an answer to the libel, and on the same date the court entered its decree of condemnation and forfeiture and directed that the goods be released to the claimant upon the payment of costs and the filing of a bond conditioned that the said goods should not be disposed of contrary to the laws of the United States.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 12, 1910.





United States Department of Agriculture,  
OFFICE OF THE SECRETARY.

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**NOTICE OF JUDGMENT NO. 331, FOOD AND DRUGS ACT.**

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**ADULTERATION OF CREAM.**

On or about March 14, 1910, George W. Bosley, of Barnesville, Md., sold and delivered at the Union Station, Washington, D. C., a quantity of cream. Dr. William C. Woodward, health officer of the District of Columbia, acting under authority of the Secretary of Agriculture, caused a sample of this delivery to be procured and analyzed. As it appeared from the findings of the analyst and report made that the cream was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the said George W. Bosley was afforded an opportunity for a hearing. As it appeared after the hearing was held that the said sale was made in violation of the act, the said health officer reported the facts to the United States attorney for the District of Columbia.

In due course a criminal information against the said George W. Bosley was filed in the Police Court of the District of Columbia charging that the cream was adulterated, in that a valuable constituent, to wit, milk fat, had been wholly or partially abstracted.

On April 12, 1910, the defendant entered a plea of guilty and the court imposed a fine of \$10.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *May 12, 1910.*

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# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

### NOTICE OF JUDGMENT NO. 332, FOOD AND DRUGS ACT.

#### MISBRANDING OF BUTTER.

On or about August 17, 1909, G. Herman, of Pierceville, Ind., shipped from the State of Indiana to the State of Ohio 160 boxes of butter labeled "Extra Quality Red Ribbon Brand Elgin Creamery Butter. The Andrew Rohan Co., Exclusive Distributers, Cincinnati, O." Examination of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Southern District of Ohio.

In due course a libel was filed against the said 160 boxes of butter charging misbranding, in that they were labeled "Elgin Creamery Butter," which statement was false, misleading, and deceptive, and tended to deceive and mislead the purchaser into the belief that the product was what is known as "Elgin Creamery Butter" made at the Elgin Creameries at or near Elgin, Ill., whereas, in truth and in fact, it was not made at the Elgin Creameries but was made by G. Herman, at his creamery at Pierceville, Ind., and praying seizure, condemnation, and forfeiture.

On August 19, 1909, the claimants filed an answer admitting the facts alleged in the libel and on August 24, 1909, the case came on for hearing and the court entered a decree of condemnation and forfeiture, and directed that the goods be released on the payment of costs and the filing of a bond to be approved by the court, conditioned that the said goods shall not be disposed of contrary to the laws of the United States or of any State, Territory, or insular possession thereof.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 12, 1910.





Issued June 4, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 333, FOOD AND DRUGS ACT.

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### MISBRANDING OF A DRUG—LAUDANUM.

On or about July 13, 1909, Charles C. Reakirt, trading under the name of The Reakirt Drug Co., of Cincinnati, Ohio, shipped from the State of Ohio into the State of Kentucky a consignment of a drug product labeled: "Laudanum—Poison!—Caution— \* \* \* Reakirt Drug Co., 237 Main St., Cincinnati, O." A sample of this product was procured and analyzed by the Bureau of Chemistry of the United States Department of Agriculture, and as it appeared from the findings of the analyst and report made that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the Reakirt Drug Co., and the dealer from whom the sample was purchased, opportunities for hearings.

As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence on which to base a prosecution. In due course a criminal information was filed in the District Court of the United States for the Southern District of Ohio charging the above shipment and alleging that the product was misbranded in that it contained 42.9 per cent of alcohol by volume and 1.2195 grams of morphia per 100 cubic centimeters, corresponding to 46.4 grains of opium, assaying 12 per cent to the fluid ounce, and that the label failed to bear a statement of the quantity or proportion of the said alcohol, morphine, and opium contained therein.

On April 4, 1910, the defendant entered a plea of guilty and the court imposed a fine of \$10.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 12, 1910.





# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 334, FOOD AND DRUGS ACT.

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### MISBRANDING OF OATS.

On or about May 19, 1909, L. F. Miller & Sons, Philadelphia, Pa., shipped from the State of Pennsylvania to the State of Florida 1,500 sacks of oats labeled: "100 lbs. Miller's Fancy Clipped White Oats." Examination of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Southern District of Florida.

In due course a libel was filed against the said 1,500 sacks of oats charging misbranding, in that each sack was labeled "White Oats," which form of labeling was false, misleading, and deceptive, inasmuch as they did not contain white oats as they purported to contain but contained a mixture of white oats, barley, and other grains, and praying seizure, condemnation, and forfeiture.

On June 11, 1909, the case came on for hearing and the court rendered its decree of condemnation and forfeiture, and directed that the goods be released to the owner upon the payment of costs and filing of a bond to be approved by the court conditioned that the said goods be not disposed of contrary to the laws of the United States or of any State, Territory, or insular possession of the United States.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 12, 1910.

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# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 335, FOOD AND DRUGS ACT.

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### ADULTERATION OF MILK.

On or about August 30, 1909, Laban B. Armstrong, of Midland, Va., sold and delivered at the Union Station, Washington, D. C., a quantity of milk. Dr. William C. Woodward, health officer of the District of Columbia, acting under authority of the Secretary of Agriculture, caused a sample from the above delivery to be procured and analyzed. As it appeared from the findings of the analyst and report made that the said milk was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the said Laban B. Armstrong was afforded an opportunity for hearing, and as it appeared after the hearing was held that the said sale was made in violation of the act, the said health officer reported the facts to the United States attorney for the District of Columbia.

In due course a criminal information against the said Laban B. Armstrong was filed in the Police Court of the District of Columbia charging that the milk was adulterated, in that water had been mixed and packed with it in a manner to reduce and lower its quality.

On April 9, 1910, the defendant entered a plea of guilty and the court imposed a fine of \$10.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON D. C., May 12, 1910.

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**United States Department of Agriculture,****OFFICE OF THE SECRETARY.****NOTICE OF JUDGMENT NO. 336, FOOD AND DRUGS ACT.****ADULTERATION OF CREAM.**

On or about November 30, 1909, Thomas F. Myers, of Frederick, Md., sold and delivered at the Union Station, Washington, D. C., a quantity of cream. Dr. William C. Woodward, health officer of the District of Columbia, acting under authority of the Secretary of Agriculture, caused a sample of the above delivery to be procured and analyzed. As it appeared from the findings of the analyst and report made that the said cream was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the said Thomas F. Myers was afforded an opportunity for hearing, and as it appeared after hearing was held that the said sale was made in violation of the act, the said health officer reported the facts to the United States attorney for the District of Columbia.

In due course a criminal information against the said Thomas F. Myers was filed in the Police Court of the District of Columbia charging that said cream was adulterated, in that a valuable constituent, namely, butter fat, had been wholly or partially abstracted therefrom.

On March 16, 1910, the defendant entered a plea of guilty and the court imposed upon him a fine of \$10.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 12, 1910.





## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 337, FOOD AND DRUGS ACT.

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#### ADULTERATION AND MISBRANDING OF TURPENTINE.

On or about February 27, 1909, Jacob Frank, Charles Frank, and Emil Frank, trading under the firm name of the Frank Tea & Spice Company, of Cincinnati, Ohio, shipped from the State of Ohio to the Territory of Arizona a consignment of a drug product labeled "Strictly Pure Turpentine, Packed by the Frank Tea & Spice Co., Cincinnati, Ohio, Dove Brand Turpentine, Frank Tea & Spice Company, Cincinnati." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report made that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the Frank Tea & Spice Company, and the dealer from whom the samples were purchased, opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Southern District of Ohio charging the above shipment and alleging that the product was adulterated, in that it was sold under a name recognized in the United States Pharmacopœia and the National Formulary and differed from the standard of strength, quality, and purity as determined by the test laid down therein official at the time of investigation, in that it contained 4.8 per cent of mineral oil, which is not a constituent of turpentine as determined by the said test, and did not state its own standard of strength, quality, or purity on the label; and was misbranded, in that it was labeled "Strictly Pure Turpentine," which

statement was false, misleading, and deceptive, and tended to deceive and mislead the purchaser into the belief that he was procuring an article of the recognized standard strength, whereas, in fact, the product was not of the recognized standard strength as determined by the test laid down in the United States Pharmacopœia and National Formulary.

On February 26, 1910, the defendant entered a plea of guilty and the court imposed a fine of \$10.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *May 12, 1910.*

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F. & D. No. 59-C.

Issued June 4, 1910.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 338, FOOD AND DRUGS ACT.

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#### ADULTERATION OF MILK.

On or about February 21, 1910, Edgar W. Feaster, of Adams-town, Md., sold and delivered at the Union Station, Washington, D. C., a quantity of milk. Dr. William C. Woodward, health officer of the District of Columbia, acting by authority of the Secretary of Agriculture, caused a sample of the above delivery to be procured and analyzed. As the findings of the analyst and report thereon indicated that the milk was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the said Edgar W. Feaster was afforded an opportunity for hearing, and as it appeared after the hearing was held that this sale was in violation of the Act, the said health officer reported the facts to the United States attorney for the District of Columbia.

In due course a criminal information against the said Edgar W. Feaster was filed in the Police Court of the District of Columbia charging that the milk was adulterated, in that a valuable constituent, namely, cream, had been abstracted wholly or in part.

On April 9, 1910, the defendant entered a plea of guilty and the court imposed a fine of \$10.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 12, 1910.





F. & D. Nos. 318, 334, and 341.  
I. S. Nos. 4995, 1323-a, and 4997.

Issued June 4, 1910.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 339, FOOD AND DRUGS ACT.

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#### ADULTERATION AND MISBRANDING OF FLAVORING EXTRACTS.

On or about August 16 and September 7, 1907, the Forbes Bros. Tea & Spice Company, of St. Louis, Mo., shipped from the State of Missouri to the State of Mississippi and the State of Texas consignments of products labeled, respectively: "Forbes Elegant Flavoring Extract, Highly Concentrated Lemon Flavor for flavoring Sauces, Custards, Jellies, Ice Cream, etc. Prepared by Forbes Bros., St. Louis, Mo;" "Forbes Elegant Flavoring Extracts, Highly Concentrated Strawberry, for flavoring Sauces, Custards, Jellies, Ice Cream, etc. Prepared by Forbes Bros. & Co., St. Louis, Mo.;" and "Pure Concentrated Extract of Lemon Flavor, Imperial Extract Company, of St. Louis, Mo."

Samples of these shipments were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analysts and the reports made that the said shipments were made in violation of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the Forbes Bros. Tea & Spice Company, and the dealers from whom the samples were purchased, opportunities for hearings. As it appeared after hearings held that the said products were adulterated and misbranded, the Secretary of Agriculture reported the facts to the Attorney General, with statements of the evidence upon which to base prosecutions. In due course criminal informations were filed against the Forbes Bros. Tea & Spice Company in the District Court of the United States for the Eastern District of Missouri, charging the above shipments and alleging that the product labeled "Forbes Elegant Flavoring Extract, Highly Concentrated Lemon Flavor,"

was adulterated, in that a highly dilute alcohol solution of citral had been substituted in whole or in part for the genuine food product, and had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality and strength, and was misbranded, in that the form of label was false, misleading, and deceptive, because it represented the product to be a highly concentrated lemon extract, whereas, in truth, it was not a lemon extract, contained no lemon flavor, and was not highly concentrated, but consisted of a highly dilute alcohol solution of citral; the product labeled "Forbes Elegant Flavoring Extracts, Highly Concentrated Strawberry," was adulterated, in that an artificial compound, made out of alcohol and other chemicals to imitate the flavor of strawberry, had been substituted wholly for the genuine article, and was artificially colored in a manner to conceal its inferiority, and was misbranded, in that the form of label was false, misleading, and deceptive, because the product was not highly concentrated extract of strawberry, but an imitation extract of strawberry, prepared from alcohol and other chemicals, artificially colored to conceal its inferiority, and artificially flavored; and the product labeled "Pure Concentrated Extract of Lemon Flavor" was adulterated, in that an artificial compound containing no oil of lemon, and artificially colored in a manner to conceal its inferiority, had been substituted in whole or in part for the genuine food product, and, further, in that the product contained a poisonous and deleterious ingredient, to wit, methyl alcohol (wood alcohol), and was misbranded, in that the label represented it to be an extract of lemon, which form of labeling was false, misleading, and deceptive, as it was not an extract of lemon, but a liquid artificially compounded and containing no oil of lemon, and artificially colored in a manner to conceal its inferiority, and, further, in that said article was an imitation of and offered for sale under the distinctive name of another article.

These informations were consolidated and tried as one case, and, a jury having been demanded by the defendants, on November 15, 1909, the jury, after hearing the testimony and argument of counsel, rendered a verdict of guilty, and the court imposed upon the defendant a fine of \$400.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 12, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 340, FOOD AND DRUGS ACT.

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### ADULTERATION AND MISBRANDING OF OLIVE OIL.

On or about May 22, 1909, Anna Gross, trading under the firm name and style of Ignatius Gross, shipped from the State of New York to the State of Connecticut a consignment of a food product labeled "Prodotti Di Olii, OLIO SOPRAFFINO, La Favorita Brand." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made showed that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Anna Gross, trading as Ignatius Gross, and the dealer from whom the samples were purchased, opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney General, with a statement of the evidence upon which to base a prosecution. In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York, charging the above shipment and alleging that the product was adulterated, in that cotton-seed oil had been substituted in part for the genuine food product, and was misbranded, in that it was labeled "Prodotti Di Olii, OLIO SOPRAFFINO, La Favorita Brand," and contained a picture of the branches of the olive tree, which said words, together with the picture aforesaid, indicated that the product was olive oil, whereas, in truth and in fact, the product was not olive oil, but, for the most part, cotton-seed oil.

On March 29, 1910, the defendant entered a plea of guilty, and the court imposed a fine of \$50.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 12, 1910.





# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 341, FOOD AND DRUGS ACT.

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### MISBRANDING OF ROQUEFORT CHEESE.

On or about January 2, 1909, The McLaren Imperial Cheese Company, of Detroit, Mich., shipped from the State of Michigan to the State of Illinois 25 cases, each case being labeled "Two Dozen Small Jars McLaren's Roquefort Cheese," each jar labeled "McLaren's Roquefort," and containing the picture of a goat between the words, and below the word "Roquefort," in exceedingly small type, "Manufactured and Blended in the United States." Analyses of samples of this shipment showed that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As the findings of the analyst and report made showed that the above shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States Attorney for the Northern District of Illinois. In due course a libel was filed against the said 25 cases of cheese, charging that the product was misbranded, in that the said cases and jars of cheese contained therein bore a label which would lead the purchaser to believe that the product consisted of a pure Roquefort cheese, imported from Roquefort, France, and made wholly from goats' milk, whereas, in truth and in fact, an analysis of the sample showed that the product did not consist of pure imported Roquefort cheese, that it was not made in France, and that it did not have the character or properties of Roquefort cheese.

On March 4, 1909, the McLaren Imperial Cheese Company entered an appearance and filed an answer to the aforesaid libel, and the case coming on for hearing, the court rendered its decree of condemnation and forfeiture, and ordered that the goods be released to the claimant on payment of costs and the filing of a bond conditioned that the said goods should not be disposed of contrary to the laws of the United States, or the laws of any State, Territory, or insular possession.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 12, 1910.

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# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 342, FOOD AND DRUGS ACT.

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### MISBRANDING OF CANNED CORN.

(SHORT WEIGHT.)

On or about November 2, 1907, the Morral Canning Co., of Morral, Ohio, shipped from the State of Ohio to the State of Indiana 600 cases of canned corn. Examination of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States Attorney for the District of Indiana. In due course a libel was filed against the said 600 cases of canned corn, charging that they were misbranded, in that a portion of the said 600 cases were labeled "Two Doz. Two Pound Morral Brand Sugar Corn, Packed by Morral Canning Co., Morral, Ohio," and the remainder of said 600 cases were labeled "Two Doz. Two Pound, Emazetta Brand Sugar Corn, Packed by the Morral Canning Co., Morral, Ohio," which statements were false, misleading, and deceptive, and tended to deceive and mislead the purchaser into the belief that each can contained in said cases weighed two pounds, whereas, in fact, each of said cans did not weigh two pounds, but averaged from 26 to 28 ounces.

On March 27, 1909, the Morral Canning Company entered its appearance, filed an answer to the libel, and set up claim to the goods. On May 22, 1909, the case came on for hearing and the court rendered its decree of condemnation and forfeiture, and ordered that the goods be released to claimant on payment of costs and on the filing of a bond, to be approved by the court, conditioned that the goods be not disposed of in violation of the laws of the United States, or of any State, Territory, or insular possession.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 12, 1910.





# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 343, FOOD AND DRUGS ACT.

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### MISBRANDING OF A FOOD—"CONCRETA BUTTEROL."

On or about October 23, 1909, G. H. Lowell, doing business under the firm name and style of G. H. Lowell & Company, New York, N. Y., shipped from the State of New York to the State of Pennsylvania a consignment of a product labeled "Concreta Butterol, G. H. Lowell & Co., 321 Greenwich St., New York." Samples of this product were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report made that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded G. H. Lowell & Co., and the dealer from whom the samples were purchased, opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney General, with a statement of the evidence upon which to base a prosecution. In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York, charging the above shipment and alleging that the product was misbranded, in that it was labeled "Solid Gold Brand Highly Concentrated Concreta Butterol, G. H. Lowell & Co., 321 Greenwich St., New York," and said label also contained, among others, the following statements:

1. "This product has the characteristics of rich creamery butter, both in taste and odor."
2. "Imparts the true butter flavor to your goods."
3. "It is absolutely pure and palatable . . ."
9. "Concreta Butterol tones up the quality of butter that has lost its refinement of taste, making it sweet and wholesome,"

which said label was false, misleading, and deceptive, and calculated to deceive and mislead the purchaser, because it would indicate that

the contents of said can had the characteristics of rich creamery butter, both as to taste and odor, and would impart a true butter flavor to goods, whereas, in fact, the product had not the characteristics of rich creamery butter, either in taste or odor, nor would it impart a true butter flavor to goods.

To this information the defendant entered a plea of guilty, and the court imposed upon him a fine of \$1.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 12, 1910.

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# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 344, FOOD AND DRUGS ACT.

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#### ADULTERATION AND MISBRANDING OF NEUFCHATEL CREAM CHEESE.

On or about January 6, 1909, the Michigan Produce Company, of Detroit, Mich., shipped from the State of Michigan to the State of Illinois a consignment of a product labeled "Neufchatel Style Jersey Cream Cheese, Made in Detroit, Michigan." Samples of this product were analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report made that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the Michigan Produce Company an opportunity to be heard. As it appeared after a hearing held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the United States Attorney, with a statement of the evidence upon which to base a prosecution. In due course a criminal information was filed in the District Court of the United States for the Eastern District of Michigan, charging the above shipment and alleging that the product was adulterated, in that there had been mixed and packed with it in a manner to reduce, lower, and injuriously affect its quality and strength, a substance, viz., starch, and that said starch had been substituted in part for the genuine food product, and was misbranded, in that it was labeled "Neufchatel Style Jersey Cream Cheese," which statements were false, misleading, and deceptive, and tended to deceive and mislead the purchaser into the belief that it was a cream cheese, whereas, in fact, the product was not a cream cheese; as shown by the analysis, the product was made from skimmed milk, and contained a large quantity of starch.

On September 14, 1909, the defendant entered a plea of nolo contendere, and the court imposed a fine of \$10.

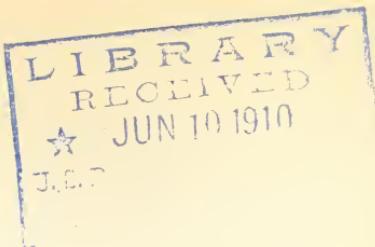
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 12, 1910.







F. & D. No. 627.  
I. S. No. 10071-a.

Issued June 8, 1910.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 345, FOOD AND DRUGS ACT.

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#### MISBRANDING OF A DRUG—EXTRACT OF DAMIANA.

On or about April 9, 1908, Frederick Stearns & Company, a corporation of Detroit, Mich., shipped from the State of Michigan to the State of Tennessee a consignment of a product labeled

#### NYAL'S COMPOUND EXTRACT OF DAMIANA.

Each fluid ounce represents, Alcohol, 50% Coca, 15 gr., Damiana 76 gr., Nux Vomica 4 gr., Phosphorus 35/1000 gr.

Useful as an aphrodisiac and for the restoration of virility in debility of the reproductive organs of both sexes.

Damiana is a non-irritating sexual tonic.

Coca exalts the intellectual faculties.

Prepared for the New York and London Drug Co. (incorporated), New York, U. S. A.

Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report made that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded Frederick Stearns & Company, and the dealer from whom the samples were purchased, opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney General, together with a statement of the evidence upon which to base a prosecution. In due course a criminal information was filed in the District Court of the United States for the Eastern District of Michigan, charging the above shipment and alleging that the product was misbranded, in that it contained a quantity of cocaine, and did not show upon the label the quantity or proportion of said cocaine contained therein, and was further misbranded, in that the label contained the statement "NYAL'S Compound Extract of

Damiana," which statement was false, misleading, and deceptive, in that there was not sufficient damiana to justify the use of the name "Extract of Damiana," and was further misbranded, in that the label contained the statement "Useful as an aphrodisiac and for the restoration of virility in debility of the reproductive organs of both sexes," which statements were false, misleading, and deceptive, and tended to deceive and mislead the purchaser into the belief that the so-called Extract of Damiana was useful to restore virility in debility of the reproductive organs of both sexes, when, as a matter of fact, the said preparation did not contain the aphrodisiac qualities claimed for this product, and it had no value in that respect, and that such statement on the label as aforesaid was unwarranted.

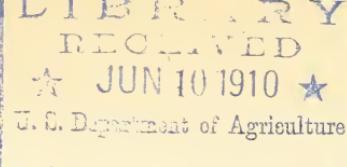
On July 13, 1909, the defendant entered a plea of nolo contendere, and the court imposed a fine of \$5.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 17, 1910.

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F. & D. No. 853.  
I. S. No. 20487-a.

Issued June 8, 1916.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 346, FOOD AND DRUGS ACT.

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#### MISBRANDING OF A DRUG—HEADACHE CURE.

On or about April 14, 1909, Harry C. Kinne, doing business under the name of the Kinne Medicine Company, of Hudson, Mich., shipped from the State of Michigan to the State of Louisiana a consignment of a product labeled "Kinne's Sure Headache Cure for Sick, Periodical and Nervous Headache. These powders do not contain any morphine or cocaine. Each powder contains a small quantity of acetanilid, two grains to the dose. Directions \* \* \*."

Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report made that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the Kinne Medicine Company, and the dealer from whom the samples were procured, opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney General, with a statement of the evidence upon which to base a prosecution. In due course a criminal information was filed in the District Court of the United States for the Eastern District of Michigan, charging the above shipment and alleging that the product was misbranded, in that it was labeled "Kinne's Sure Headache Cure for Sick, Periodical and Nervous Headache. These powders do not contain any morphine or cocaine. Each powder contains a small quantity of acetanilid, two grains to the dose;" which statements were false, misleading, and deceptive, in that they represented that the said product contained two grains to the dose of acetanilid, whereas, an analysis of the said preparation showed that it contained three grains of acetanilid to the dose, and was further

misbranded, in that the label stated "Kinne's Sure Headache Cure for Sick, Periodical and Nervous Headache," which statements tended to deceive and mislead the purchaser into the belief that the preparation was a sure cure for headache, whereas, in fact, there was nothing shown by the analysis of the product to warrant the statement that it was a sure headache cure.

On September 29, 1909, the defendant entered a plea of nolo contendere, and the court imposed a fine of \$10.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *May 17, 1910.*



**United States Department of Agriculture,****OFFICE OF THE SECRETARY.****NOTICE OF JUDGMENT NO. 347, FOOD AND DRUGS ACT.****ADULTERATION OF MILK.**

On or about April 2, 1909, George P. Altman, of Frederick, Md., sold and delivered at the Union Station, Washington, D. C., a quantity of milk. Dr. William C. Woodward, health officer of the District of Columbia, acting under authority of the Secretary of Agriculture, caused a sample from the above delivery to be procured and analyzed. As the findings of the analyst and report thereon indicated that the milk was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the said George P. Altman was afforded an opportunity for a hearing, and as it appeared after the hearing was held that the said sale was in violation of the act, the said health officer reported the facts to the United States Attorney for the District of Columbia.

In due course a criminal information against the said George P. Altman was filed in the Police Court of the District of Columbia, charging that the milk was adulterated, in that water had been mixed and packed with it in a manner to reduce, lower, and injuriously affect its quality.

On March 26, 1910, the defendant entered a plea of guilty and the court imposed a fine of \$5.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 17, 1910.

43902—No. 347—10





# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 348, FOOD AND DRUGS ACT.

### MISBRANDING OF OLIVE OIL.

On or about August 7, 1908, the Lange Brothers, a corporation, of New York, N. Y., shipped from the State of New York to the State of Massachusetts a consignment of a product labeled "Prodotti Italiani Olio di Oliva Sopraffino F. Ferrucci Lucca Tocana Italy. Lange Bros., New York, Soli Agenti per Gli Stati Uniti di America." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report made that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the Lange Brothers, and the dealer from whom the samples were procured, opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York charging the above shipment and alleging that the product was misbranded, in that the statement on the label "Olio D'Oliva" was false and misleading because it would indicate that the product was pure olive oil, whereas in truth and in fact the product contained a considerable quantity of cottonseed oil.

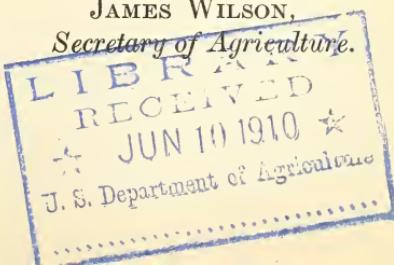
On April 13, 1910, the defendant entered a plea of guilty and the court imposed a fine of \$50.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

WASHINGTON, D. C., May 17, 1910.

JAMES WILSON,

*Secretary of Agriculture.*





# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 349, FOOD AND DRUGS ACT.

### MISBRANDING OF WHISKEY.

On or about December 16, 1908, H. A. Thierman & Company, Louisville, Ky., shipped from the State of Kentucky to the State of Indiana 5 barrels of whiskey. Analysis of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Indiana.

In due course a libel was filed against the said 5 barrels of whiskey, charging misbranding, in that each of said barrels was labeled "Prairie Flower Whiskey," which statement was false and misleading, because it represented the product to be straight whiskey, whereas in fact the substance contained in the said five barrels was a rectified product combined with grain distillates. In response to this libel, H. A. Thierman & Company entered an appearance, filed its answer, and set up its claim to the goods, and on December 23, 1908, the case came on for hearing and the court rendered its decree of condemnation and forfeiture, and directed that the goods be released upon payment of the costs and the filing of a bond to be approved by the court conditioned that the said product should not be sold or disposed of contrary to the laws of the United States.

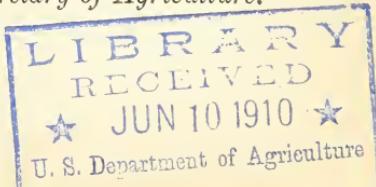
This decree was rendered prior to the issuing of Food Inspection Decision 113, which revoked Food Inspection Decisions 45, 65, 95, and 98, relative to the labeling of whiskey.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 17, 1910.

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Issued June 8, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 350, FOOD AND DRUGS ACT.

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### MISBRANDING OF WHISKEY.

On or about December 25, 1908, Charles H. Ross & Company, of Baltimore, Md., shipped from the State of Maryland to the State of Louisiana 5 barrels of whiskey. Analysis of samples of this product was made in the Bureau of Chemistry, United States Department of Agriculture, and it was shown to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report thereon that the shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the Attorney-General.

In due course a libel was filed in the District Court of the United States for the Eastern District of Louisiana against the said 5 barrels of whiskey, charging misbranding, in that they were labeled "Old Cabinet Whiskey," which statement was false, misleading and deceptive, in that it conveyed the impression that the product was straight whiskey, whereas in fact the product was not straight whiskey, but a rectified article combined with grain distillate. To this libel Charles H. Ross & Company entered an appearance, filed an answer, and set up claim to the product, and in due course the case came on for hearing, and the court rendered a decree of condemnation and forfeiture, and directed that the goods be released upon the filing of a bond conditioned that the said goods be not disposed of contrary to the laws of the United States.

This decree was rendered prior to the issuing of Food Inspection Decision 113, which revoked Food Inspection Decisions 45, 65, 95, and 98, relative to the labeling of whiskey.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 17, 1910.

## NOTICES OF JUDGMENT.

### FOODS.

N. J. No.		N. J. No.
Almond extract. ( <i>See Extract, Almond.</i> )		Butter—Continued.
Apple cider. ( <i>See Cider.</i> )		Herman, G..... 332
Apple cider vinegar. ( <i>See Vinegar.</i> )		Redman, Corinne H..... 42
Apple jelly. ( <i>See Jelly, Apple.</i> )		Weber, Gus H..... 67
Apples:		Butterol, Concreta:
Bruns Bros. Grocery Co..... 87		Lowell, G. H., & Co..... 343
Doyle, Michael, & Co..... 89, 255		Calcium acid phosphate. ( <i>See Phosphate.</i> )
Elyria Canning Co..... 64		Cane sirup. ( <i>See Sirup, Cane.</i> )
Erie Preserving Co..... 57		Catsup. ( <i>See Tomato ketchup.</i> )
Funsten, R. E., Dried Fruit and Nut Co. 161		Cereals:
Goddard, Joseph A., & Co..... 64		Acme Mills Co..... 105
Godfrey, C. H., & Son..... 36		New England Food Co..... 96
Hulman & Co..... 57		( <i>See also Feeds.</i> )
Kahn, L..... 89		Cerecut:
Miller, W. Clarence..... 255		Cereal Products Co..... 298
Silbernagel Co. (Ltd.)..... 89		Cheese:
Apricots:		Baird Bros..... 137
Armsby, J. K., Co..... 114		Crosby & Meyers..... 137, 138
California Canneries Co..... 92		Githens, Rexsamer & Co..... 154
Cochran Grocery Co..... 186		Mustin Robertson Co..... 138
Howard, I. R..... 330		Phenix Cheese Co..... 154
Waters, G. H..... 330		Cheese, Neufchatel:
Witwer Bros. Co..... 92		Kraft, J. L., & Bros..... 291
Baking powder:		Cheese, Neufchatel cream:
Consolidated Grocery Co..... 155		Michigan Produce Co..... 344
Continental Baking Powder Co..... 155		Cheese, Roquefort:
Beans:		McLaren Imperial Cheese Co..... 341
Bloomington Canning Co..... 39		Cherries:
Dailey, E. G., Co..... 84		Dunkley Co..... 178
Muskegee Wholesale Grocer Co..... 93		Michigan Vacuum Canning Co..... 178
Reedsburg Canning Co..... 93		Ratcliff-Sanders Grocer Co..... 178
Beer:		Spratlen-Anderson Mercantile Co..... 72
Fallert, Joseph, Brewing Co..... 51		Woodscross Canning & Pickling Co..... 72
Heim Brewing Co..... 65		Cider:
Beverages, Medicated. ( <i>See under Drugs and medicinal agents.</i> )		Gregory, O. L., Vinegar Co..... 6
Blackberries:		Schmidt, A., jr., & Bros..... 6
Godfrey, C. H., & Son..... 36		Semmes-Kelly Co..... 1
Ogburn, J. S., & Co..... 26, 27		Cider vinegar. ( <i>See Vinegar.</i> )
Ogburn, J. W..... 26		Coffee:
Bran:		Blanke, C. F., Tea & Coffee Co..... 275
Arkadelphia Milling Co..... 231		Canby, Ach & Canby Co..... 215
Buckwheat flour:		Climax Coffee & Baking Powder Co..... 55
Capital Milling Co..... 129		Dayton Spice Mills Co..... 49
Ela Manufacturing Co..... 118		Orr, Jackson & Co..... 50
Harrison, W. H., & Co..... 263		Reily-Taylor Co..... 177
Horpel, Louis, & Co..... 60		Southern Coffee Mills..... 50
King Cereal & Mfg. Co..... 317		U. S. Coffee Refining Co..... 4
Newmark, M. A., & Co..... 129		Concreta butterol: ( <i>See Butterol, Concreta.</i> )
Read, C., & Co..... 31		Condensed milk. ( <i>See Milk, Condensed.</i> )
Scott, Catherine..... 118		Corn:
Staley, H. B., & Co..... 124		Atlantic Canning Co..... 128
Butter:		Audubon Canning Co..... 38
Elgin Creamery Co..... 42		Bloomington Canning Co..... 39
Fox River Butter Co..... 67		Carthage Cannery..... 95

## FOODS—Continued.

Corn—Continued.	N. J. No.	Extract, Lemon—Continued.	N. J. No.
Gunther, F. T., Grocery Co. (Inc.) .....	95	Paddock Coffee & Spice Co.....	136
Kiesel, Fred J., Co.....	38	Spies, Chas., & Co.....	150
McCord-Collins Mercantile Co.....	52, 53	Styron, Beggs & Co.....	237
Morrall Canning Co.....	342	Suffolk Drug & Extract Co.....	147
Otoe Preserving Co.....	126	Thomson & Taylor Spice Co.....	149
Plummer Mercantile Co.....	63	Weston, Edward, Tea & Spice Co.....	194
Smith-Yingling Co.....	40	Extract, Pineapple:	
Corn alfalfa horse feed. ( <i>See</i> Feeds.)		Mobile Drug Co.....	152
Corn meal:		Extract, Raspberry:	
Weilder, Sam. W., Co.....	170	Dwight-Edwards Co.....	91
Corn sirup. ( <i>See</i> Sirup, Corn.)		Extract, Strawberry:	
Cotton-seed meal:		Dwight-Edwards Co.....	91
Asheville Grocery Co.....	179	Forbes Bros. Tea & Spice Co.....	339
Hunter Bros. Milling Co.....	173	Howell, H. B., & Co. (Ltd.).....	143
Tennessee Fibre Co.....	179	King Bros., Shilstone & Saint (Ltd.) ..	122, 218
Wells, J. Lindsay, Co.....	109	Warner-Jenkinson Co.....	246
Cream:		Extract, Vanilla:	
Blough, Elijah E.....	185	Blanke-Baer Chemical Co .....	242
Bosley, George W.....	331	Ennis, Hanly, Blackburn Coffee Co.....	148
Harley, Samuel C.....	185, 241, 308	Fitch, John H., Co.....	140
Howard, Lynden W.....	268	Heekin Spice Co.....	48
Irvine, John.....	307	Interstate Chemical Co.....	139
Myers, Thomas F.....	336	McCormick & Co.....	135
Swart, Arthur.....	264	Monroe Pharmacal Co.....	151
Thomas, Stephen A.....	285	Paddock Coffee & Spice Co.....	123
Currants:		Puhl Mfg. Co.....	320
Holzbeierlein, Michael.....	188	St. Louis Coffee & Spice Mills ..	301
Custard:		Steinbock & Patrick.....	14
Horpel, Louis.....	166	Woodworth, C. B., Sons Co.....	5
Desiccated eggs. ( <i>See</i> Eggs, Desiccated.)		Farina. ( <i>See</i> Gluten farina.)	
Dragées. ( <i>See</i> Silver dragées.)		Feeds:	
Eggs:		Biles, J. W., Co.....	102
Buffalo Cold Storage Co.....	295	Capital Grain & Mill Co.....	66
Cohen, Samuel.....	103	Daily, E. P.....	119
Culver, E., & Co.....	295	Dewald, N.....	171
Eberle, C., & Sons.....	46	Globe Elevator Co.....	314, 315
Golden & Co.....	22	Guthrie & Co.....	322
Rogerson, F., Co.....	7	Hellman, Joseph W.....	174
Spencer & Howes.....	46	Krause, Charles A., Milling Co.....	172
Eggs, Desiccated:		Lawrence & Hamilton Feed Co (Ltd.) ..	104
Columbia Desiccated Egg Co.....	227, 305	Michigan Starch Co.....	116, 117
Holmes & Son.....	227	Mueller, E. P.....	174, 256
Monarch Desiccated Egg Co.....	272	Pillsbury, Herbert P.....	256
Eggs, Evaporated:		Quaker Oats Co.....	171
Armour & Co.....	252	Wells, J. Lindsay Co, .....	230
Eggs, Liquid:		( <i>See also</i> Bran; Cerecut; Meal; Oats.)	
Brown, Morris.....	224	Fish:	
Sloan, Henry, & Co.....	224	Adamson, W. L., Co.....	306
Evaporated eggs. ( <i>See</i> Eggs, Evaporated.)		Higgins, Charles C., Co.....	306
Extract, Almond:		McIntyre, J. K., Co.....	306
Midland Grocery Co.....	142	Orr, W. J., Fish Co.....	306
Extract, Lemon:		Flavor. ( <i>See</i> Extract.)	
Atwood & Steele Co.....	313	Flour:	
Beggs, Frank L.....	237	Brewer, W. C., & Co.....	113
Burke, Nicholas, Co. (Ltd.).....	115	Carter, Seymour.....	12
Campbell, J. S., Co.....	259	The Gardner Mill.....	12
Cumberland Manufacturing Co.....	56	Orrville Milling Co.....	13, 17
Dwight-Edwards Co.....	91	Riverton Mills Co.....	113
Forbes Bros. Tea & Spice Co.....	339	( <i>See also</i> Buckwheat, Gluten, Milk, and	
Hallock-Denton Co.....	277	Rye flours.)	
Harrison, W. H., & Co.....	281	Fruit sirups:	
Heekin Spice Co.....	71	National Sales Co.....	328
Hilbert, A. J., & Co.....	141	Shields, Victor E.....	328
Mackie, Albert, Grocer Co.....	130	Shields, William H.....	328
Mobile Drug Co.....	152	Globe flour middlings. ( <i>See</i> Feeds.)	

## FOODS—Continued.

	N. J. No.	Milk—Continued.	N. J. No.
Gluten farina:			
Acme Mills Co.....	250	Holt, Patrick B.....	88
Gluten flour:		Jarboe, Grover F.....	88
Acme Mills Co.....	250	Johnson, W. F.....	125
The Birkett Mills.....	3	Kanode, Robert E.....	214
Grains. ( <i>See</i> Feeds.)		Kirby, J. C.....	125
Herring:		Kotzenberg, J. C.....	132
Grilly, J. H.....	257	Mace, Frank.....	88
Whitfield, J. A., Co.....	257	Mack, Albert.....	214
Honey:		Meiman, John.....	125
Boeckmann, A.....	269	Mullins, B. M., & Sons.....	125
Rogers Holloway Co .....	18, 19, 20, 21	Nostheide, Henry.....	125
Ice:		Null, William C.....	287
American Ice Co.....	299	Peoples, Charles, jr.....	125
Kimberly, Samuel A.....	299	Perry, W. H.....	125
Ice Cream:		Poore, Julia.....	88
Wallis, Hugh.....	213	Reeves, George R.....	214
International gluten. ( <i>See</i> Feeds.)		Reeves, Willie.....	125
Jelly, Apple:		Robinson, Lyman T.....	214
Williams Bros. Co.....	238	Sanger, William A.....	88
Ketchup. ( <i>See</i> Tomato ketchup.)		Schackle, Stephen.....	125
Lemon extract. ( <i>See</i> Extract, Lemon.)		Schapiro, Albert.....	88
Lemon oil:		Siddall, Blanche D.....	88
Hutchinson, David W.....	196	Soper, William W.....	228
Lemonade powder:		Strassen, Daniel.....	8, 9
Columbia Mfg. Co.....	279	Stup, David.....	214
Morrissey, Charles T.....	279	Vernon, Charles E.....	88
Liquid eggs. ( <i>See</i> Eggs, Liquid.)		Walter, Charles A.....	229
Macaroni:		Whitehead, William W.....	88
Atlantic Macaroni Co.....	167	Williams, C. E.....	132
Ventrone, F. P.....	167	Wisconsin Butter and Cheese Co.....	206
Viviano, V., & Bros.....	262	Wise, George A.....	88
Maple sirup. ( <i>See</i> Sirup, Maple.)		Milk, Condensed:	
Maple sugar:		Libby, McNeill & Libby, Ltd. (Inc.).....	223
Beeman, J. M., & Son.....	107	Milk, Powdered:	
Mapleine:		Beckman, W. E., & Co.....	273
Crescent Mfg. Co.....	163	Ekenberg Milk Products Co.....	273
Meal:		Milk flour:	
Weilder, S. W.....	44	Behrend, F.....	211
( <i>See also</i> Corn meal; Cotton-seed meal.)		Kuhnle, H. J., Co.....	211
Milk:		Molasses:	
Allen, John.....	88	Berry-Maybrun Co.....	234
Altemus, Frank E.....	88	Coe, C. E.....	270
Altman, George P.....	347	Penick & Ford.....	2
Armstrong, Laban B.....	335	Philadelphia Horse & Cattle Molasses Co.....	254
Berman, Soul.....	88	White, Wilson, Drew Co.....	24
Boberink, Henry.....	219	Neufchatel cheese. ( <i>See</i> Cheese, Neufchatel.)	
Boyle, M.....	132	Oats:	
Carr, Nettie.....	267	Bartlett Commission Co.....	58
Chichester, Washington B.....	265	Harsh, Alex. C., & Co.....	76
Corbin, Thomas.....	125	Interstate Warehouse & Elevator Co.....	101
Deterding, C.....	11	Miller, L. F., & Sons.....	334
Ducker, Henry.....	125	( <i>See also</i> Cereals.)	
Dunnaway, Owen.....	125	Oil. ( <i>See</i> Olive oil.)	
Evers, B., & Sons.....	125	Olive oil:	
Feaster, Edgar W.....	338	Brina, Guido.....	80
Ficke, W. M.....	125	Cristani, Maria.....	247
Geiger, Joseph.....	125	Gross, Anna.....	340
Griebler, Andreas.....	37	Gross, Ignatius.....	340
Griffith, Howard.....	88	King Bros., Shilstone & Saint (Ltd.)..	133, 217
Groger, Henry.....	81	Lange Bros.....	348
Groger, Theodore.....	125	Standard Trading Co.....	80
Harbin, Charles.....	88	de Vivo, Pasquale.....	244
Hettenkemer, Philip.....	88	Orangeade powder:	
Hilderbrand, George L.....	312	Columbia Mfg. Co.....	279
Hogan, W. F.....	125	Morrissey, Charles T.....	279

## FOODS—Continued.

Peaches.	N. J. No.	Sirup, Cane:	N. J. No.
Arnsby, J. K., Co.....	34, 35	Alabama-Georgia Syrup Co.....	127
California Canneries Co.....	92	Tolman, John A., & Co.....	271
Cochran Grocery Co.....	186	Wilder, D. R., Mfg. Co.....	106, 324
Kern, Henry P.....	153	Sirup, Corn:	
Miller, Clagett Co.....	153	Bubb, George, & Sons.....	100
Ridenour-Baker Mercantile Co.....	34	Corn Products Refining Co.....	100
Whiteman, C. P.....	35	Sirup, Maple:	
Witwer Bros. Co.....	92	Baker Preserving Co.....	209
Peanuts, Shelled:		Charboneau, E. A., Co.....	98
Vegetarian Meat Co.....	253	Israel, Chas., & Bros.....	198
Pears:		Pacific Coast Syrup Co.....	74, 99
California Canneries Co.....	92	Scanlon, H. Y.....	47
Witwer Bros. Co.....	92	Seudder Syrup Co.....	33
Peas:		Scully, D. B., Syrup Co.....	290
Hohenadel P., jr., Canning Co.....	43, 321	Tolman, John A., & Co.....	271
Humphreys, J. F., & Co.....	90	Western Reserve Syrup Co.....	47, 283
Reynolds Preserving Co.....	90	Sirups. ( <i>See</i> Fruit sirups.)	
Van Camp Packing Co.....	70, 165	Stock feed. ( <i>See</i> Feeds.)	
Pepper:		Strawberry extract. ( <i>See</i> Extract, Strawberry.)	
Bennett, Sloan & Co.....	297	Tomato ketchup:	
Calumet Tea & Coffee Co.....	288	Van Camp Packing Co.....	111
Dean, Harry W.....	158	Van Lill, S. J., Co.....	79, 156
Hanley & Kinsella Coffee & Spice Co.....	210	Tomatoes:	
Interstate Chemical Co.....	28	Henkel-Duke Mercantile Co.....	97
Long Bros. Grocery Co.....	120	Macklin, J. W.....	251
Parrish Bros.....	159	Ridenour-Baker-Bragdon Co.....	77
Powell-Sanders Co.....	75	Riverdale Canning Co.....	97
Spies, Chas., & Co.....	164	Sears and Nichols Co.....	85
Phosphate, Calcium acid:		Seaman Bros.....	251
Provident Chemical Co.....	300	Syracuse Canning Co.....	77
Pineapple extract. ( <i>See</i> Extract, Pineapple.)		Vanilla extract. ( <i>See</i> Extract, Vanilla.)	
Plums:		Vinegar:	
California Canneries Co.....	92	Baltimore Mfg. Co.....	61, 62
Witwer Bros. Co.....	92	Barrett & Barrett.....	289, 318
Powdered eggs. ( <i>See</i> Eggs, Powdered.)		Board, Armstrong & Co.....	311
Preserves:		Braun, A., Mfg. Co.....	195, 195 suppl.
Numsen, William, & Sons (Inc.)...	108, 212, 222	Carroll, M. O., Grocery Co.....	169
Raisins:		Gordon Vinegar Co.....	189
Berg, John C.....	146	Gregory, O. L., Vinegar Co.....	286
Comly Flannigan & Co.....	162	Harbauer-Marleau Co.....	187, 274
Connecticut Pie Co.....	145	Hirsh, Charles L.....	197
Ewald, John C.....	162	Hughes, R. M., & Co.....	278
Malaga Packing Co.....	145	Illinois Vinegar Mfg. Co.....	23
Paden, R. J. (or A. J.).....	316	Keller-Lorenz Co.....	243
Raspberry extract. ( <i>See</i> Extract, Raspberry.)		Knadler & Lucas.....	169
Rice:		Leroux Cider & Vinegar Co.....	168, 200
Harris, S. H.....	190	Mills Preserving Co.....	199
Rye flour:		Oakland Vinegar & Pickle Co.....	193, 232
Hastings Milling Co.....	131	Oklahoma Supply Co.....	23
Kern, J. B. A., & Sons.....	69	Price and Lucas Cider & Vinegar Co....	73, 240
Salad oil. ( <i>See</i> Olive oil.)		Prussing Bros.....	304
Salt:		Robinson Cider & Vinegar Co.....	207
Inland Crystal Salt Co.....	280	Saunders', E. A., Sons Co.....	62
Powell-Sanders Co.....	280	Spence-Nunnemaker Co.....	61
Sardines:		Water:	
Bowers, B. O., Co.....	282	Arlington Bottling Co.....	94
Silver dragees:		Basic Lithia Water.....	59
French Silver Dragee Co.....	249	Finley, Frank M.....	175
Oriental Dragee Co.....	176	French Lick Springs Hotel Co.....	121
Sirup:		Great Bear Spring Co.....	41
Farrell & Co.....	110, 302	Meisezahl, Charles, Mfg. Co.....	78
Gross, Kelly & Co.....	302	Wood, Otis H.....	59
Rigney & Co.....	325		

## FOODS—Continued.

Whisky:	N. J. No.	Wine:	N. J. No.
Gooderham & Worts.....	15	Dorn, John G.....	83
Louisiana Distillery Co. (Ltd.).....	68	Schmidt, Jr., A., & Bros. Wine Co.....	83
Person's, C., Sons.....	15	Sweet Valley Wine Co.....	83
Ross, Chas. H., & Co.....	45, 350	Wine vinegar. ( <i>See</i> Vinegar.)	
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## DRUGS AND MEDICINAL AGENTS.

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# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

### NOTICE OF JUDGMENT NO. 351, FOOD AND DRUGS ACT.

#### MISBRANDING OF BUTTER.

On or about December 14, 1908, the Beatrice Creamery Company, of Chicago, Ill., shipped from the State of Illinois to the State of Louisiana 20 cases of butter labeled "Original Dundee Creamery, Made expressly for Louis Pfister, New Orleans, La." on the shipping cases, and on the retail packages, "Louis Pfister, The only Genuine (his trade mark, Original Dundee Creamery) New Orleans, La., P. O. Box 100." "Original Dundee Creamery is churned from pure sweet Pasteurized cream by the most approved methods, in the world's cleanest dairy. \* \* \* ." Examination of samples of this product made by the Bureau of Chemistry of the United States Department of Agriculture, showed that it was misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the above examination that the product was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Louisiana.

In due course a libel was filed against the said 20 cases of butter, charging misbranding, in that they were labeled and branded in a manner to indicate that the product was manufactured at the original Dundee creamery by Louis Pfister, Post Office Box 100, whereas in fact the product was manufactured by the Beatrice Creamery Company, at Chicago, Illinois. In due course the case came on for trial and the court rendered a decree of condemnation and forfeiture and ordered that the goods be released upon the payment of costs, and the filing of a bond to be approved by the court, conditioned that the said goods should not be disposed of contrary to the laws of the United States.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 17, 1910.

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43902—No. 351—10





# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

### NOTICE OF JUDGMENT NO. 352, FOOD AND DRUGS ACT.

#### MISBRANDING OF HONEY.

On or about October 7, 1908, E. R. Pahl & Company, Milwaukee, Wis., shipped from the State of Wisconsin to the State of Tennessee 20 cases of honey. An examination of samples of this shipment made in the Bureau of Chemistry, United States Department of Agriculture, showed that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As the findings of the analyst and report thereon indicated that the shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Tennessee.

In due course a libel was filed against the said 20 cases of honey, charging misbranding, in that 10 of said cases were branded on the outside of each case "One Dozen Pints," and the other 10 cases were branded on the outside of each case "Two Dozen One Pint Bottles," which statements were false, misleading and deceptive, in that each of the said bottles in the cases contained considerably less than one pint. Thereupon E. R. Pahl & Company entered an appearance, set up a claim to the goods, and filed an answer, and on February 5, 1909, the case came on for hearing, and the court entered its decree of condemnation and forfeiture, and ordered that the goods be released upon the payment of costs, and the filing of a bond conditioned that the said goods should not be disposed of contrary to the laws of the United States, or of any State, Territory or District or insular possession of the United States.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 17, 1910.

43904—No. 352—10

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# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 353, FOOD AND DRUGS ACT.

### MISBRANDING OF WHISKEY.

On or about November 19, 1908, the Hannis Distilling Company, of Philadelphia, Pa., shipped from the State of Pennsylvania to the State of Louisiana 20 barrels and 2 half barrels containing a product purporting to be whiskey and variously branded "Superior Monongahela Whiskey," "Elkmont Whiskey," "Angus Whiskey," and "Artemus Whiskey." Analysis of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the Attorney-General.

In due course a libel was filed against the said 22 packages of whiskey, charging misbranding, in that the brands on the various barrels and half barrels were misleading and deceptive, because the contents of the said barrels and half barrels was not whiskey but a compound of whiskey and grain distillate. Thereupon Kohlmeyer, Jacobs and Hyams Company, Ltd., of New Orleans, La., entered an appearance and filed a claim to the product, and on December 11, 1908, the case came on for hearing, and the court rendered a decree of condemnation and forfeiture, and directed that the goods be released upon the payment of costs and the giving of a bond approved by the court, conditioned that the goods would not be disposed of contrary to the laws of the United States.

This decree was rendered prior to the issuing of Food Inspection Decision 113, which revoked Food Inspection Decisions 45, 65, 95, and 98, relative to the labeling of whiskey.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 17, 1910.

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# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 354, FOOD AND DRUGS ACT.

### ADULTERATION OF RYE FLOUR.

On or about November 9, 1908, the Northern Milling Company, Wausau, Wis., shipped from the State of Wisconsin, to the State of Illinois 280 sacks of rye flour. Analysis of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States Attorney for the Northern District of Illinois.

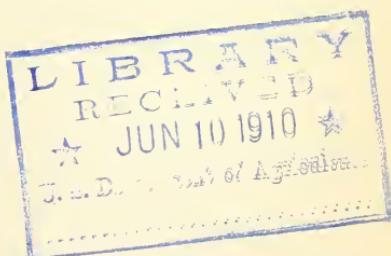
In due course a libel was filed against the said 280 sacks of rye flour, charging adulteration, in that a substance, wheat flour, had been substituted in part for the genuine food product. Thereupon the Northern Milling Company entered an appearance and set up claim to the goods, and on December 22, 1908, the case came on for hearing and the court rendered a decree of condemnation and forfeiture and ordered that the goods be released upon the filing of a bond conditioned that the goods be not disposed of contrary to the laws of the United States.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 17, 1910.

43904—No. 354—10





# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 355, FOOD AND DRUGS ACT.

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### MISBRANDING OF COFFEE.

On or about September 24, 1908, the Dayton Spice Mills, Dayton, Ohio, shipped from the State of Ohio to the State of Pennsylvania 309 cases of coffee. Analysis of samples of this product made in the Bureau of Chemistry, United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Western District of Pennsylvania.

In due course a libel was filed against the said 309 cases of coffee charging misbranding, in that they were labeled "Dutch Java Blended Fancy Roasted Coffee, The Dayton Spice Mills Co., Dayton, O.," which statement was false, misleading and deceptive, inasmuch as the product contained little or no Dutch Java coffee, but was chiefly composed of an inferior grade of coffee. Thereupon the Dayton Spice Mills Company entered an appearance and set up a claim to the goods, and on October 15, 1908, the case came on for hearing, and the court rendered its decree of condemnation and forfeiture, and ordered that the goods be released upon the filing of a bond to be approved by the court conditioned that the goods should not be disposed of contrary to the laws of the United States.

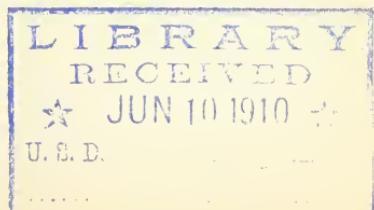
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 17, 1910.

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43904—No. 355—10





# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 356, FOOD AND DRUGS ACT.

### MISBRANDING OF CURRANTS.

On or about October 3, 1908, the Greek Currant Company of New York, N. Y., shipped from the State of New York to the State of Louisiana 600 cases of currants, each case marked "48 12-ounce cartons", and each carton labeled "Morning Glory Brand Choice Greek Currants." An examination of samples of this product showed that it was misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Louisiana.

In due course a libel was filed against the said 600 cases of currants charging that they were misbranded, in that the shipping cases were branded "48 12-ounce cartons", which statement was false, misleading, and deceptive, in that the average net weight per carton was materially less than 12 ounces, and praying seizure, condemnation and forfeiture. Thereupon the Greek Currant Company entered its appearance, set up a claim to the goods, and filed an answer, and in due course the case coming on for hearing, the court rendered its decree of condemnation and forfeiture, and ordered that the goods be released upon the filing of a bond to be approved by the court conditioned that the goods be not disposed of contrary to the laws of the United States.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 17, 1910.

43904—No. 356—10





United States Department of Agriculture,  
OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 357, FOOD AND DRUGS ACT.

MISBRANDING OF WITCH-HAZEL.

On or about January 21, 1909, the Ranney Drug Company, a corporation, of New York, N. Y., shipped from the State of New York to the State of New Jersey a consignment of a drug product labeled "Extract of Witch Hazel or Hamamelis, for the relief and cure of sprains, bruises, bites of insects, burns, scalds, wounds, painful swellings, lame back, piles, sore throat, neuralgia, rheumatism, chilblains, etc., etc. \* \* \* Ranney Drug Co., New York, 27 Pearl St., 9 Beaver St." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report made that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the Ranney Drug Company, and the dealer from whom the samples were procured, opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York charging the above shipment and alleging, in the first count, that the product was misbranded, in that it contained a certain amount of alcohol and the quantity or proportion of said alcohol was not stated upon the label, and alleging, in the second count, that it was further misbranded, in that the label stated in substance that the product was for the relief and cure of sprains, bruises, bites of insects, burns, scalds, wounds, painful swellings, lame back, piles, sore throat, neuralgia, rheumatism, chilblains, etc., etc., which statements were false and misleading, in that the product would not relieve and cure all the ailments specified on the said label.

On April 13, 1910, the case came on for trial on the first count, the second count being nolle prossed, and the defendant entered a plea of guilty to the said first count. The court thereupon imposed a fine of \$10.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

WASHINGTON, D. C., May 17, 1910.

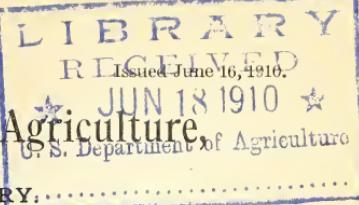
JAMES WILSON,

Secretary of Agriculture.

R. E. COOPER

JUN 10 1910





# United States Department of Agriculture.

OFFICE OF THE SECRETARY

## NOTICE OF JUDGMENT NO. 358, FOOD AND DRUGS ACT.

### MISBRANDING OF CORN MEAL.

(SHORT WEIGHT.)

On or about January 14 and January 25, 1910, the Newport Mill Company, of Newport, Tenn., shipped from the State of Tennessee to the State of North Carolina a carload consisting of about 700 sacks and a carload consisting of three lots, 1,152 12-pound sacks, 328 24-pound sacks, and 232 48-pound sacks, of corn meal. Examination of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the results of the aforesaid examination that the shipments were liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Western District of North Carolina.

In due course libels were filed against the two carloads of corn meal above mentioned, charging misbranding, in that each of the sacks contained certain figures indicating the weight of meal contained in such sacks, whereas in truth and in fact the said sacks did not contain the quantity and weight of meal marked thereon, but the weight of each of the said sacks was less than that declared.

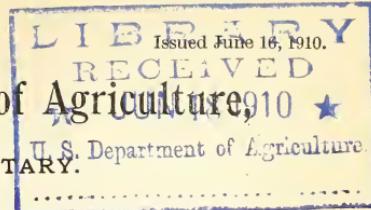
On February 8, 1910, the cases came on for hearing and the court rendered a decree of condemnation and forfeiture in each case, and ordered that the goods be released to the owners of said product upon their paying the costs and filing a bond to be approved by the court, conditioned that the said goods should not be disposed of contrary to the laws of the United States or of any State, Territory, District or insular possession thereof.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 19, 1910.





# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 359, FOOD AND DRUGS ACT.

### ADULTERATION OF DESICCATED EGG PRODUCT.

On or about September 20, 1909, the Columbia Desiccated Egg Company, of Chicago, Ill., shipped from the State of Illinois to the State of New York 1,200 pounds of desiccated egg product. Analysis of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Southern District of New York.

In due course a libel was filed against the said 1,200 pounds of desiccated egg product charging adulteration, in that it was in whole or in part filthy, putrid, and decomposed, and praying seizure, condemnation, and forfeiture.

On April 7, 1910, the case came on for hearing and the court rendered a decree of condemnation and forfeiture and ordered that the goods be destroyed.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 19, 1910.





United States Department of Agriculture, 1910 \*

OFFICE OF THE SECRETARY.



NOTICE OF JUDGMENT NO. 360, FOOD AND DRUGS ACT.

MISBRANDING OF OLIVE OIL.

On or about February 26, 1909, George Lekas and George Drivas, doing business under the firm name of Lekas & Drivas, of New York, N. Y., shipped from the State of New York to the State of Massachusetts a consignment of a food product labeled: "Prodotti di Olii Olio Soprafino O. S. Brand Olive Oil and Salad Oil." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report thereon that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded Lekas & Drivas and the dealer from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence on which to base a prosecution. In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York, charging the above shipment and alleging that the product was misbranded, in that the aforesaid label on the can was false and misleading, because the statement "Prodotti di Olii," together with the picture of an olive branch on the can, would indicate that the product was pure olive oil, whereas in truth and in fact the product contained a considerable quantity of cottonseed oil.

On April 5, 1910, there appeared Mr. George Drivas, of the firm of Lekas & Drivas, and entered a plea of guilty and the court imposed a fine of \$100.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

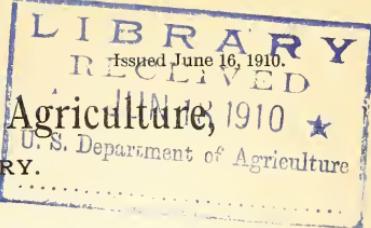
WASHINGTON, D. C., May 19, 1910.

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# United States Department of Agriculture

OFFICE OF THE SECRETARY.



## NOTICE OF JUDGMENT NO. 361, FOOD AND DRUGS ACT.

### MISBRANDING OF WHISKEY.

On or about December 15, 1908, Davis & Atkins, of Richmond, Va., shipped from the State of Virginia to the State of Louisiana 11 barrels of whiskey. Analysis of samples of this product made in the Bureau of Chemistry, United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the Attorney-General.

In due course a libel was filed against the said 11 barrels of whiskey in the District Court of the United States for the Eastern District of Louisiana, charging misbranding of the product within the meaning of the act, in that five of the barrels of same were labeled "Feahney's Chief Celebrated Old Whiskey, New Orleans;" two barrels were labeled "Feahney's AAAA Whiskey, P. S., New Orleans;" and four barrels labeled "Original J. Martin Whiskey," which labels were false and misleading because they represented the product to be whiskey, whereas in fact it was a rectified article, compounded with grain distillate, and was not straight whiskey, and praying seizure, condemnation, and forfeiture. To this libel the estate of Charles Feahney, New Orleans, La., entered its appearance through F. J. Mangham, its manager, and set up its claim to the product, and the case coming on for final hearing, the court rendered its decree of condemnation and forfeiture, and ordered that the goods be released to the claimant upon the payment of costs and upon giving a bond, to be approved by the court, conditioned that the product would not be disposed of contrary to the laws of the United States.

This case was reported for prosecution and decree rendered prior to the date of issuance of Food Inspection Decision No. 113, relative to the proper labeling of whiskey, which revoked Food Inspection Decisions Nos. 45, 65, 95, and 98.

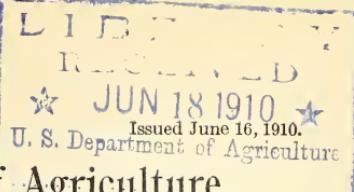
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 19, 1910.

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# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 362, FOOD AND DRUGS ACT.

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### ADULTERATION OF DESICCATED EGG PRODUCT.

On or about March 11, 1910, L. V. Cloud, of Chicago, Ill., shipped from the State of Illinois to the State of New York one barrel containing 200 pounds of a desiccated egg product. Analysis of samples of this shipment made in the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the product was subject to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Southern District of New York. In due course a libel was filed against the said desiccated egg product, charging that it was adulterated within the meaning of the act, because it was in whole or in part composed of a filthy, putrid and decomposed animal substance, and praying seizure, condemnation and forfeiture. On April 5, 1910, there being no claimant of record, the case came on for hearing, and the court rendered its decree of condemnation and forfeiture and ordered that the goods be destroyed.

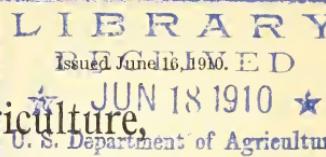
This notice is given pursuant to section 4 of the Food and Drugs Act of June 4, 1910.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 19, 1910.

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# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 363, FOOD AND DRUGS ACT.

### MISBRANDING OF BAKING POWDER.

On or about June 2, 1908, the Southern Manufacturing Company, of Richmond, Va., shipped from the State of Virginia to the State of Louisiana 501 cases of baking powder. Examination of samples of this shipment made in the Bureau of Chemistry, United States Department of Agriculture showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. It appearing from the findings of the analyst and report made that the shipment was subject to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Louisiana. In due course a libel was filed against the said 501 cases of baking powder, charging misbranding. Two hundred cases were labeled "One hundred Cans six-ounce Good Luck One Spoon Baking Powder, Southern Mfg. Co., Richmond, Va.", and 301 cases were labeled "Fifty Cans sixteen-ounce Good Luck One Spoon Baking Powder, Southern Mfg. Co., Richmond, Va.", which form of labeling is false, misleading, and deceptive, in that it indicates that the cans contained six ounces, and sixteen ounces, respectively, whereas in fact the average in weight of the unit packages is considerably less than claimed in each case. Thereupon the Southern Manufacturing Company entered its appearance and filed its claim as owner of the product, and on January 15, 1909, the case came on for hearing, and the court rendered its decree of condemnation and forfeiture, and ordered that the goods be released to the claimant upon payment of the costs, and filing of a bond to be approved by the court, conditioned that the goods should not be disposed of contrary to the laws of the United States.

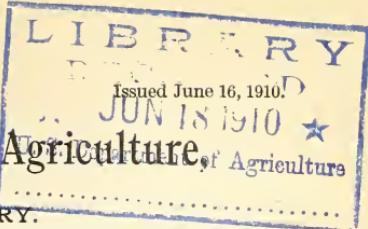
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 19, 1910.

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# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 364, FOOD AND DRUGS ACT.

### MISBRANDING OF BAKING POWDER.

On or about May 3, 1909, A. Colburn & Company, of Philadelphia, Pa., shipped from the State of Pennsylvania to the State of New York 400 cases of baking powder. An examination of samples of this product made in the Bureau of Chemistry, United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States Attorney for the Southern District of New York. In due course a libel was filed against the said 400 cases of baking powder, charging misbranding, in that each case was labeled "Two Doz. one-pound tins," which statement was false and misleading; in that each of the tin cans contained in the aforesaid cases did not contain one pound of baking powder, but contained in fact only thirteen ounces each of baking powder. In due course the case came on for hearing, and the court rendered its decree of condemnation and forfeiture and ordered that the goods be destroyed.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 19, 1910.

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# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 365, FOOD AND DRUGS ACT.

### MISBRANDING OF CANNED FISH.

On or about June 3, 1909, the Monterey Packing Company, of Monterey, Cal., shipped from the State of California to the State of New York 63 cases of canned fish labeled "Broiled California Mackerel—Pilchard or Sardinia Caeruleus, packed at Monterey, Cal." Examination of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Southern District of New York.

In due course a libel was filed against the said 63 cases of canned fish charging misbranding, in that each can was labeled "Broiled California Mackerel—Pilchard or Sardinia Caeruleus," which form of labeling was false and misleading, in that the product contained in each of said cans was not broiled California mackerel but was California sardine, and also the words "Pilchard or Sardinia Caeruleus," were printed on said cans in very small insignificant letters noticeable only upon close inspection, and were further misbranded, in that the product was offered for sale under the distinctive name of another article, and praying seizure, condemnation, and forfeiture.

On September 14, 1909, the case came on for hearing and the court rendered its decree of condemnation and forfeiture, and directed that the goods be released to the owners upon payment of costs and the filing of a bond conditioned that the said goods should not be disposed of contrary to the laws of the United States or of any State, Territory, or insular possession thereof.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

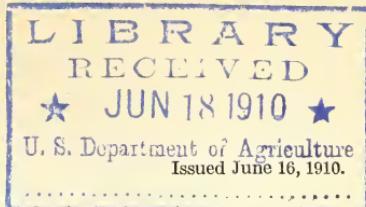
JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 19, 1910.

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S. Nos. 237 and 243.  
F. & D. Nos. 602 and 615.



# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

### NOTICE OF JUDGMENT NO. 366, FOOD AND DRUGS ACT.

#### MISBRANDING OF A DRUG—"MOTHER'S FRIEND."

On or about March 20, 1909, and June 8, 1909, the Bradfield Regulator Company, Atlanta, Ga., shipped from the State of Georgia to the State of Missouri two consignments consisting of 57 cases and 36 cases, respectively, of a drug labeled "Mother's Friend." Analysis of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the said shipments were liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Missouri.

In due course libels were filed against the said 57 cases and 36 cases, respectively, charging misbranding, in that each of the cartons containing the unit package was labeled: "The Mother's Friend, for the relief of the suffering incident to child bearing. The Bradfield Regulator Co., Atlanta, Ga." and on sides "This is one of the greatest comforts to those expecting to be confined. It is a remedy upon which confidence can be placed, one that will assist in a safe and quick delivery and one that shortens the duration of labor. Such is the Mother's Friend. Try it. It is a blessing to suffering women." "The Mother's Friend" has been used by many of our best physicians and all pronounce it a success, giving relief from the dreadful pains and sufferings of this trying time. Every woman expecting to become a mother should use it," which form of labeling was false, misleading, and deceptive and tended to deceive and mislead the purchaser into the belief that the product contained in the bottles was a drug valuable for the alleviation of the suffering incident to child bearing, whereas, in fact, the bottles contained a liquid consisting essentially of an oil, together with a small amount of soap, and had not the properties claimed for it upon the label.

On September 2, 1909, these cases came on for hearing, and the court rendered its decree of condemnation and forfeiture in each case, and directed that the goods be released to the owner upon payment of costs in each case and the filing of bonds conditioned that the said goods should not be disposed of contrary to the laws of the United States, or of any State, Territory, District, or insular possession thereof.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *May 19, 1910.*

O



# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 367, FOOD AND DRUGS ACT.

### ADULTERATION OF RAISINS AND EVAPORATED APPLES.

On or about September 20, 1909, M. J. Doeberreiner, of Washington, D. C., offered for sale in the District of Columbia seven cases of raisins and two cases of evaporated apples. Analyses of samples of these products made by the Bureau of Chemistry, United States Department of Agriculture, showed them to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report thereon that the said seven cases of raisins and two cases of evaporated apples were liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Columbia.

In due course a libel was filed against the said seven cases of raisins and two cases of evaporated apples charging adulteration, in that the said raisins and apples were infested with worms and other animal matter and in a filthy and putrid condition and unfit for human consumption, and praying seizure, condemnation, and forfeiture.

On October 22, 1909, the case came on for hearing and the court entered a decree of condemnation and forfeiture.

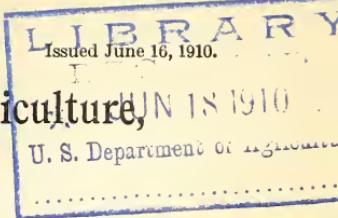
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 19, 1910.







# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 368, FOOD AND DRUGS ACT.

### ADULTERATION OF PEANUTS.

On or about September 16, 1909, W. Alfred Farr, of Washington, D. C., offered for sale in the District of Columbia, certain confections manufactured in part from a quantity of shelled peanuts held on his premises. Analysis of samples of these shelled peanuts made by the Bureau of Chemistry, United States Department of Agriculture, showed them to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the product was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Columbia.

In due course a libel was filed in the Supreme Court of the District of Columbia against 400 pounds of the said shelled peanuts charging adulteration, in that they were in a filthy condition and infested with worms and other animal matter and so contaminated with the presence of said worms and other animal matter as to be absolutely unfit for human consumption, and praying seizure, condemnation, and forfeiture.

On October 11, 1909, the case came on for hearing and the court rendered a decree of condemnation and forfeiture and directed that the goods be destroyed.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 19, 1910.







# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 369, FOOD AND DRUGS ACT.

### MISBRANDING OF CANNED TOMATOES.

On or about September 11, 1909, the John Boyle Company, Baltimore, Md., shipped from the State of Maryland to the District of Columbia 940 cases of canned tomatoes. An examination of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report thereon that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Columbia.

In due course a libel was filed against the said 940 cases of canned tomatoes charging misbranding, in that each can was labeled "Stanley Brand Solid Meat Tomatoes First Quality Packed by Thomas L. Stanley, Elkton, Md." which form of labeling was false, misleading, and deceptive, in that each can contained a large amount of free liquor and did not contain solid meat tomatoes, and further, in that each can did not contain first quality solid meat tomatoes, and praying seizure, condemnation, and forfeiture.

On September 28, 1909, the case came on for hearing and the court rendered a decree of condemnation and forfeiture, and directed that the goods be released to the owner upon the payment of costs and filing of a bond to be approved by the court, conditioned that the said goods should not be disposed of contrary to the laws of the United States.

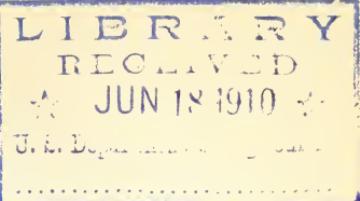
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 19, 1910.

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F. & D. No. 63-C.

Issued June 16, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 370, FOOD AND DRUGS ACT.

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### ADULTERATION OF MILK.

On or about November 16, 1909, William D. Zimmerman, of Frederick, Md., sold and delivered at the Union Station, Washington, D. C., a quantity of milk. Dr. William C. Woodward, health officer of the District of Columbia, acting under authority of the Secretary of Agriculture, caused a sample of this delivery to be procured and analyzed. As it appeared from the findings of the analyst and report made that the milk was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the said William D. Zimmerman was afforded an opportunity to be heard, and as it appeared after the said hearing that this sale was made in violation of the act, the said health officer reported the facts to the United States attorney for the District of Columbia.

In due course a criminal information against the said William D. Zimmerman was filed in the Police Court of the District of Columbia charging that the milk was adulterated, in that water had been mixed and packed with it in a manner to reduce and lower its quality.

On April 13, 1910, the defendant entered a plea of guilty and the court imposed upon him a fine of \$10.

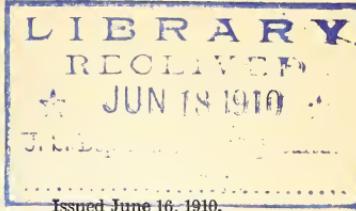
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 19, 1910.

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# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 371, FOOD AND DRUGS ACT.

### MISBRANDING OF COFFEE.

On or about September 16, 1909, Gost Leva, doing business under the firm name of Leva Bros., of New York, N. Y., shipped from the State of New York to the State of Massachusetts, a consignment of products, labeled in Greek, translations of which read as follows, respectively:

"Leva Brothers. Leva Brothers' Mustapha Turkish Coffee. Genuine Mocha Coffee is ground by a special machine. Each box contains one pound of coffee, and the box is firmly tied, so that no air can get in to spoil the flavor of the coffee. Prepared by Leva Brothers, 36½ Oliver Street, New York."

and

"Leva Brothers' Genuine Turkish Coffee is ground by a special machine. Every box contains one pound of coffee, and the box is firmly tied that no air can get in to spoil the flavor of the coffee. Prepared by Leva Brothers, 36½ Oliver St., New York, N. Y."

Samples from this shipment were procured, and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report made that the products were misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the Leva Brothers and the dealer from whom the samples were purchased opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence on which to base a prosecution. In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York, charging the above shipment and alleging that the articles were misbranded, in that the forms of labeling were false, misleading, and deceptive, and tended to deceive and mislead the purchaser into the belief

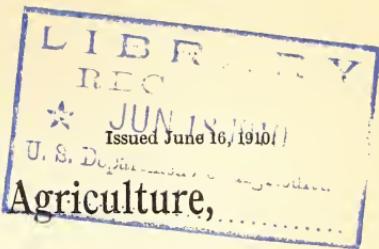
that the products were a genuine Mocha coffee, and Turkish coffee, respectively, and also that each can contained one pound of coffee, whereas in fact they were not either Mocha Coffee or Turkish Coffee, but a low grade Santos Coffee, and the coffee contained in each can was less than one pound. To this information the defendant entered a plea of guilty, and the court imposed a fine of \$1.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *May 19, 1910.*

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# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 372, FOOD AND DRUGS ACT.

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### MISBRANDING OF CHERRY SYRUP.

On or about March 20, 1909, the Lima Fruit Juice Company of Lima, Ohio, shipped from the State of Ohio to the State of Missouri 50 one-gallon jugs labeled "Drink Allen's Red Tame Cherry—Artificially Colored, Refreshing, Delicious, Cooling." Analysis of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the shipment was liable to seizure under Section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Missouri. In due course a libel was filed against the said 50 one-gallon jugs, charging misbranding, in that the statement on the label "Allen's Red Tame Cherry," was false, misleading, and deceptive, and tended to deceive and mislead the purchaser into the belief that the product was prepared from cherries, whereas in fact the product was not cherry juice, but a syrup largely artificial, containing but a trace of the fruit, and colored with a coal-tar dye. Thereupon the Lima Fruit Juice Company entered its appearance and set up claim to the goods, and on June 7, 1909, the case came on for hearing and the court rendered its decree of condemnation and forfeiture and directed that the goods be released to the claimant on payment of costs and filing of a bond to be approved by the court, conditioned that the said goods should not be disposed of contrary to the laws of the United States.

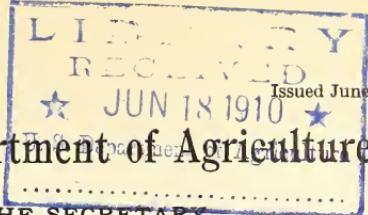
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JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 19, 1910.







# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 373, FOOD AND DRUGS ACT.

### MISBRANDING OF VINEGAR.

On or about October 22, 1908, Knadler & Lucas, of Louisville, Ky., shipped from the State of Kentucky to the State of Arkansas 26 half-barrels of vinegar. Analysis of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Western District of Arkansas.

In due course a libel was filed against the said 26 half-barrels, charging misbranding, in that 20 of the said half-barrels were labeled "Knadler Pickling, Cider & Vinegar Co., Self-made Belle of the South Vinegar, Louisville, Ky." and the remaining 6 half-barrels were labeled "Knadler & Lucas K & L Registered Vinegar, Louisville, Ky.," which forms of labeling were false, misleading, and deceptive, and tended to deceive and mislead the purchaser into the belief that the product was cider vinegar, whereas, in fact, the first lot of 20 half-barrels contained a mixture of acetic acid and unfermented apple juice, and the second lot of 6 half-barrels contained a mixture of acetic acid and unfermented apple juice, artificially colored in imitation of vinegar. Thereupon Ritchie & Co., Camden, Ark., entered an appearance and filed claim to the goods, and on May 14, 1909, the case came on for hearing and the court rendered its decree of condemnation and forfeiture, and directed that the goods be released upon the payment of costs and the filing of a bond to be approved by the court, conditioned that the said goods should not be disposed of contrary to the laws of the United States.

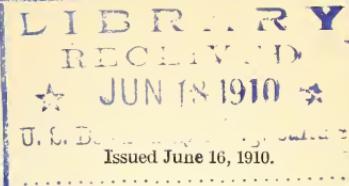
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JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *May 19, 1910.*







# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 374, FOOD AND DRUGS ACT.

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### MISBRANDING OF FLOUR.

On or about February 2, 1909, E. S. Woodworth & Company, a corporation of Minneapolis, Minn., shipped from the State of Minnesota to the State of Virginia, a consignment of a product labeled: "100 lbs. XXX Comet Composed of Red Dog Wheat Flour Minimum Crude Protein 18.25%, Minimum Crude Fat 5.25%, Maximum Crude Fiber 2.50%, Pure Wheat Product. Northwestern Consolidated Milling Co., Minneapolis, Minn." Samples of this product were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report thereon that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded E. S. Woodworth & Company, and the dealer from whom the samples were procured, opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution. In due course a criminal information was filed in the District Court of the United States for the District of Minnesota, charging the above shipment, and alleging that the product was misbranded, in that it stated on the label that it contained 18.25 per cent minimum crude protein, and 5.25 per cent minimum crude fat, whereas in fact the product contained much less than 18.25 per cent of protein, and much less than 5.25 per cent of fat.

On April 6, 1910, the defendant entered a plea of guilty and the court imposed upon him a fine of \$5.

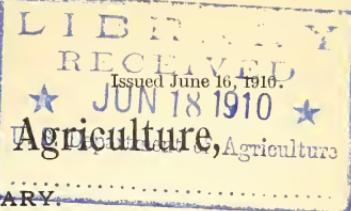
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JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 19, 1910.

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# United States Department of Agriculture,

OFFICE OF THE SECRETARY

## NOTICE OF JUDGMENT NO. 375, FOOD AND DRUGS ACT.

### MISBRANDING OF WATER.

On or about October 30, 1909, John C. Lindsay & Company, a corporation, of New York, N. Y., shipped from the State of New York to the State of Pennsylvania a consignment of a product labeled: "Sussus Wasser. A Concentrated Saline Purgative Water. Should crystals (due to concentration) form, immerse bottle in warm water. Formulae:—Gms in liter Natrium Sulph. 55.03, Natrium Phos. 28.60, Natrium Chlor. 0.08, Alumen chlor. Trace, Dosage; wine glassful early in the morning." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report made that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded John C. Lindsay & Company, and the dealer from whom the samples were procured, opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution. In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York, charging the above shipment, and alleging that the product was misbranded, in that the words "Sussus Wasser" appearing on the label with no qualifying word, indicated that the water was a natural water, which in truth and fact was not the case, and further in that the name "Sussus Wasser" indicated that the water was a natural German water, which in truth and fact was not the case, and that it was furthermore misbranded in that the label claimed that there was present in the product 4.21 grams per liter of sodium chloride when in fact only a trace of chloride was present.

On April 12, 1910, the defendant entered a plea of guilty and the court imposed a fine of \$15.

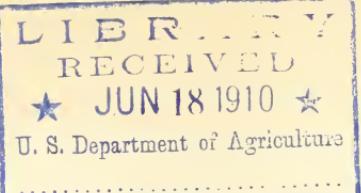
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JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 19, 1910.

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F. & D. No. 22.  
S. No. 35.

Issued June 16, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 376, FOOD AND DRUGS ACT.

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### MISBRANDING OF BLENDED MAPLE SYRUP.

On or about December 19, 1907, the Western Reserve Syrup Company, Cleveland, Ohio, shipped from the State of Ohio to the State of Michigan 20 dozen quarts, 24 gallons, 72 quarts, and 10 cases of half-pints labeled "Western Reserve Ohio Blended Maple Syrup." Analyses of samples of this shipment, made by the Bureau of Chemistry, United States Department of Agriculture, showed that it was misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As the findings of the analyst and report made showed that the shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States Attorney for the Western District of Michigan. In due course a libel was filed against the said maple syrup, charging that it was misbranded, in that it was labeled "Blended Maple Syrup," which statement was false, misleading, and deceptive, in that it was not blended maple syrup, but was composed of refined cane sugar and flavored with an extract of maple wood.

On March 2, 1909, the case came on for hearing, and the court rendered a decree of condemnation and forfeiture and directed that the product be released upon payment of costs and filing of a bond, to be approved by the court, conditioned that the goods be not disposed of contrary to the laws of the United States.

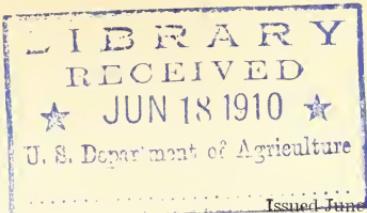
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JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 19, 1910.







F. & D. No. 1332.  
S. No. 479.

Issued June 16, 1910.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 377, FOOD AND DRUGS ACT.

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#### ADULTERATION OF A FROZEN EGG PRODUCT.

On or about March 12, 1910, R. Smithson, of Chicago, Ill., shipped from the State of Illinois to the State of New York 2500 pounds of frozen egg product. Analyses of samples of this shipment, made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Southern District of New York. In due course a libel was filed against the said 2500 pounds of frozen egg product, charging adulteration, in that it was in a filthy, putrid, and decomposed condition, and praying seizure, condemnation, and forfeiture. On April 5, 1910, no claimant having entered an appearance, the case came on for hearing and the court rendered its decree of condemnation and forfeiture, and ordered that the goods be destroyed.

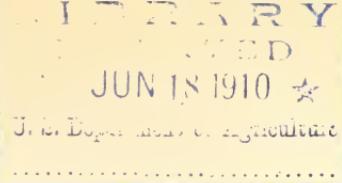
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JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 19, 1910.

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F. & D. No. 28-C.

Issued June 16, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 378, FOOD AND DRUGS ACT.

### ADULTERATION OF OATS.

On or about February 8, 1909, the St. Louis Hay and Grain Company, of St. Louis, Mo., shipped from the State of Missouri to the State of Georgia 250 bags of oats. Examination of samples of this product made under the direction of the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the above examination that the said shipment was liable to seizure under section 10 of the act, the facts were reported to the United States attorney for the Southern District of Georgia.

In due course a libel was filed against the said 250 bags of oats alleging adulteration of the product, in that there had been mixed and packed with it, in a manner to reduce, lower, and injuriously affect its quality and strength, a quantity of barley constituting about 17 per cent of the mixture, and said barley had been substituted in part for the genuine food product.

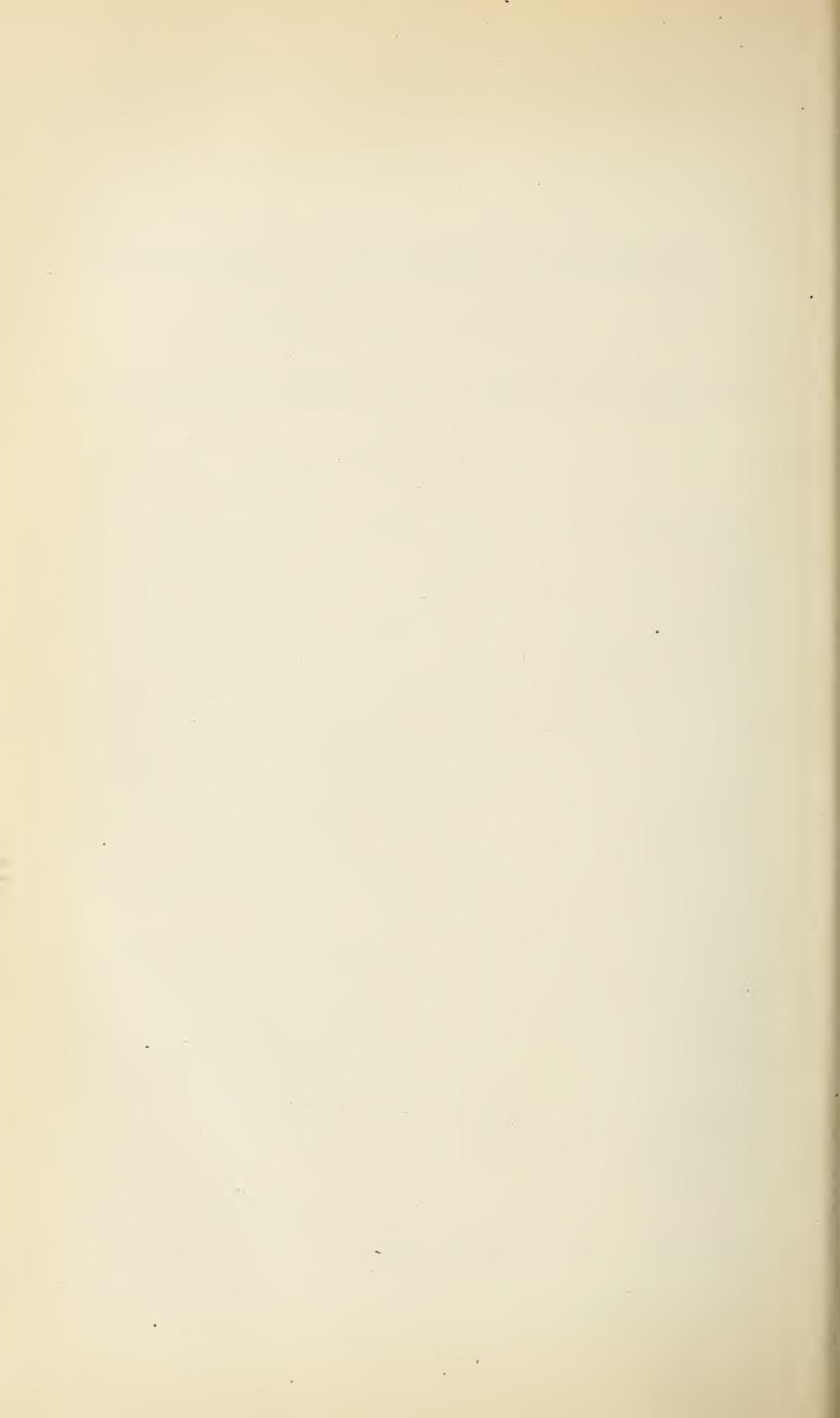
On May 8, 1909, the Central National Bank of St. Louis, Mo., entered an appearance and filed a claim to the goods, and the court rendered its decree of condemnation and forfeiture, with the proviso that the goods be released to the claimant upon payment of costs and filing of a bond conditioned that the said goods should not be disposed of contrary to the laws of the United States or the laws of any State, Territory, District, or insular possession.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 19, 1910.





# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 379, FOOD AND DRUGS ACT.

### ADULTERATION AND MISBRANDING OF OATS.

On or about March 25, 1909, the P. P. Williams Grain Company, of St. Louis, Mo., shipped from the State of Missouri to the State of Georgia 400 sacks of oats. Examination of samples of this product made under the direction of the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the above examination that the shipment was liable to seizure under section 10 of the act, the facts were reported to the United States attorney for the Southern District of Georgia.

In due course a libel was filed against the said 400 sacks of oats alleging adulteration of the product, in that there had been mixed and packed with it, in a manner to reduce, lower, and injuriously affect its quality and strength, a quantity of barley, said barley constituting about 37 per cent of the mixture, and that said barley had been substituted in part for the genuine food product; and further alleging that the product was misbranded, because each of the sacks was labeled "W Oats 160," which label was false, misleading, and deceptive, as it indicated that the contents of said sack consisted of 160 pounds of white oats, whereas, in fact, each sack contained a mixture of oats and barley.

On April 7, 1909, the P. P. Williams Grain Company entered their appearance and filed a claim to the goods, and the court rendered its decree of condemnation and forfeiture with the proviso that the goods be released to the claimant upon payment of costs and filing of a bond conditioned that the said goods should not be disposed of contrary to the laws of the United States or the laws of any State, Territory, District, or insular possession.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

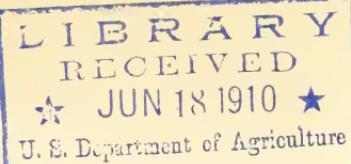
JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 19, 1910.

O



F. & D. No. 39-C.



Issued June 16, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 380, FOOD AND DRUGS ACT.

### MISBRANDING OF STRAWBERRY EXTRACT.

On or about December 10, 1908, the Newton Tea & Spice Company, of Cincinnati, Ohio, shipped from the State of Ohio to the State of Kentucky a consignment of a product labeled "Newton's Very Best Extract Strawberry." M. A. Scovell, Director of the Kentucky Agricultural Experiment Station, Lexington, Ky., acting under authority of the Secretary of Agriculture, caused samples of this shipment to be procured and analyzed, and as it appeared from the findings of the analyst and report thereon that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Newton Tea & Spice Company, and the dealer from whom the samples were procured, were afforded opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the facts were reported to the United States attorney for the Southern District of Ohio.

In due course, a criminal information was filed against the Newton Tea & Spice Company in the District Court of the United States for the Southern District of Ohio, charging the above shipment and alleging that the product was misbranded, in that it was labeled "Newton's very best Extract Strawberry," which statement was false and misleading, in that it tended to lead a purchaser to believe that the product was an extract of strawberry, whereas in fact it was an imitation or artificial extract.

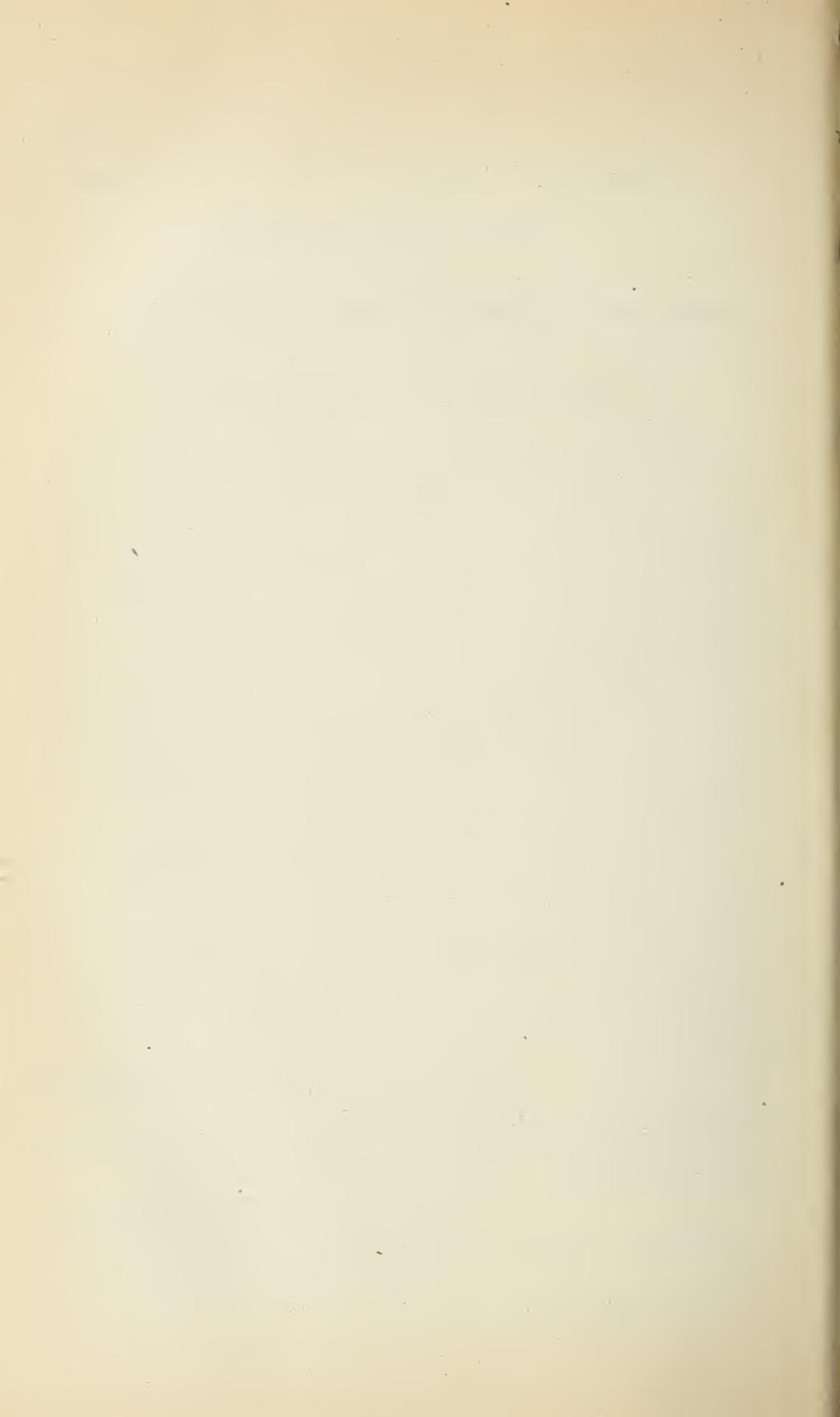
On November 18, 1909, the defendant withdrew a motion to quash the information previously filed and pleaded guilty thereto, whereupon the court imposed upon it a fine of \$10.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 19, 1910.

Q



F. & D. No. 26-C.

Issued June 16, 1910.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 381, FOOD AND DRUGS ACT.

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#### ADULTERATION OF OATS.

On or about March 15, 1909, John Wade & Sons, of Memphis, Tenn., shipped from the State of Tennessee to the State of Georgia 300 bags of oats. Examination of samples of this product made under the direction of the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the above examination that the said shipment was liable to seizure under section 10 of the act, the facts were reported to the United States attorney for the Southern District of Georgia.

In due course a libel was filed against the said 300 bags of oats alleging adulteration of the product, in that there had been mixed and packed with it, in a manner to reduce, lower, and injuriously affect its quality and strength, a quantity of barley constituting about 17 per cent of the mixture, and further, in that said barley had been substituted in part for the genuine food product.

On April 12, 1909, John Wade & Sons entered an appearance and filed a claim to the goods, and the court rendered a decree of condemnation and forfeiture, with the proviso that the said goods be released to the claimant on payment of costs and the filing of a bond conditioned that the goods should not be disposed of contrary to the laws of the United States or the laws of the State of Georgia.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

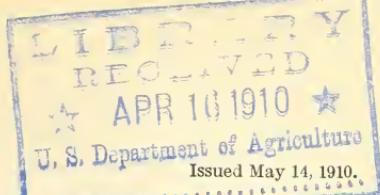
JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 19, 1910.





F. & D. No. 801.  
I. S. Nos. 5670-b, 5671-b, 5672-b, 5673-b.  
S. No. 259.



# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 382, FOOD AND DRUGS ACT.

### ADULTERATED AND MISBRANDED BLEACHED FLOUR.

On or about July 10, 1909, the Aetna Mill and Elevator Company, Wellington, Kansas, consigned and shipped into the State of Louisiana certain flour contained in sixteen bales of twenty-four pound sacks, sixteen bales of twelve pound sacks, four hundred and twenty bales of ninety-eight pound sacks, and twenty barrels, each of which sacks and barrels were labeled and branded as follows: "Aetna Mills—Aetna Silk—High Patent—Aetna Mills and Elevator Company." An inspector of the Bureau of Chemistry of the United States Department of Agriculture reported that this particular lot of flour, in large part, had been milled from what is ordinarily called soft wheat, made as a straight grade, to which other clear flour was added and mixed, and that after milling the flour had been bleached by the Alsop process. As it appeared from the report made that the flour was adulterated and misbranded within the meaning of the Food and Drugs Act, the Secretary of Agriculture requested the Attorney General to have seizure of the shipment effected under the authority of Section 10 of the Act. In due course, a libel was filed in the United States District Court for the Eastern District of Louisiana, praying seizure and confiscation of the flour, in substance and form as follows:

IN THE DISTRICT COURT FOR THE EASTERN DISTRICT OF LOUISIANA.

UNITED STATES OF AMERICA, *Libelant*,  
Versus  
350 SACKS OF FLOUR. } }

To the Honorable Rufus E. Foster, Judge of the United States District Court for the Eastern District of Louisiana,

The libel of Information of the United States of America herein appearing by Charlton R. Beattie, United States Attorney, in and for the District aforesaid, who in this case prosecutes in their behalf and is duly authorized therefor, respectfully represents:

1. That three hundred and fifty sacks of flour of the kind hereinafter fully set out have been shipped by railroad from the State of Kansas, in Rock Island Car #31901 into the State of Louisiana, in the Eastern District thereof, to L. Fay & Company,

New Orleans, branded "Aetna Mills—Aetna Silk—High Patent," and is now within the jurisdiction of this Honorable Court, or if same has not yet arrived, will soon be within the jurisdiction of this court pursuant to shipment here as aforesaid, from the State of Kansas into the City of New Orleans; that the said flour is adulterated and misbranded within the meaning and intent of Act of Congress of June 30, 1906, known as Food and Drugs Act; that same is subject to seizure and condemnation; that said flour has not been unloaded as libelant believes from the car in which it was shipped into this State, but that if it has been unloaded, same yet remains in the original packages in the possession and keeping of L. Fay & Company, within the jurisdiction of this court.

2. That the Aetna Mill and Elevator Company of Wellington, in the State of Kansas, shipped and caused to be shipped and transported the said 350 sacks of flour from the State of Kansas into the State of Louisiana, consigned as aforesaid to L. Fay & Company, in the City of New Orleans and State of Louisiana.

3. That the said flour is a food within the meaning and intent of Act of Congress of June 30, 1906, and that same is and was adulterated within the meaning and intent of said act at the time of its shipment, as aforesaid, from the State of Kansas into the State of Louisiana, in the following manner and particulars, to-wit:

That the said so called flour is a mixture of straight flour milled from soft new Winter wheat and twenty per cent clear from old hard wheat; clear being a product of the second run of flour from the mill and an inferior commercial flour, being darker and a different product from the first run or patent flour; that said clear thus mixed with straight flour had been and was bleached before shipment from the State of Kansas into the State of Louisiana with nitrogen peroxide; that by the use of said clear, thus bleached with nitrogen peroxide, with the straight flour, the said mixture thus shipped by interstate shipment into the State of Louisiana, has been colored and stained, in a manner whereby damage and inferiority are concealed, and the said mixture, one of the ingredients of which has thus been bleached by nitrogen peroxide, as a result of said bleaching contains added poisonous and deleterious ingredients which may render such article injurious to health, namely, "nitrites" and the quality and strength of the product by the said bleaching and mixture, have been lowered and injuriously affected; that the said mixture was further adulterated in this that the straight flour has been mixed and packed with the said clear as aforesaid, so as to reduce and lower and injuriously affect its quality and strength, and said clear has been in part substituted in said mixture for the straight flour—all prior to said interstate shipment into Louisiana.

4. That the said flour thus shipped by interstate shipment into the State of Louisiana, is a food within the meaning and intent of the Act of Congress of June 30, 1906, and that same is misbranded and was misbranded within the meaning and intent of said Act at the time of its shipment, as aforesaid, from the State of Kansas into the State of Louisiana, in the following manner and particulars, to-wit:—that the said mixture was labeled as aforesaid, "Aetna Mills—Aetna Silk—High Patent," whereas, in truth and in fact it is not high patent, but is a mixture of twenty per cent clear ground from old hard wheat, with a flour ground from new soft Winter wheat, clear being a product of the second run of flour from the mill and an inferior commercial flour, being darker and a different product from the first run or patent flour, and that the mixture thus shipped for sale into the State of Louisiana was and is offered for sale under the distinctive name of another article than itself, and it was labeled as aforesaid so as to deceive and mislead the purchaser; and that the label bears the statement that it is High Patent and is false and misleading in that it leads one to believe that it is an un-adulterated High Patent Flour, whereas, in truth and in fact, as aforesaid, it is a mixture of straight flour with clear, and that by reason of the fact as aforesaid, that said clear, mixed with the straight flour, has been bleached with

nitrogen peroxide, the mixture thereof contains poisonous and deleterious ingredients known as "nitrites."

Wherefore, the premises considered, libelant prays that process of monition issue in due form and in accordance with the course of this Honorable Court against said flour; that same be arrested and seized thereunder and that all persons having and pretending to have an interest in same be cited to appear and answer hereto and that in due course said flour be condemned and ordered confiscated and forfeited to the United States, and destroyed, and that libelant may have such other orders and further relief as the nature of the case may require and for all general relief.

CHARLTON R. BEATTIE,  
United States Attorney.

The following amendment to the libel was filed thereafter by leave of court:

IN THE DISTRICT COURT FOR THE EASTERN DISTRICT OF LOUISIANA.

UNITED STATES OF AMERICA, *Libelant,*, }  
versus }  
350 SACKS OF FLOUR.

To the Honorable, Rufus E. Foster, Judge of the United States District Court for the Eastern District of Louisiana.

The amended libel of information of the United States of America herein appearing through Charlton R. Beattie, United States Attorney, in and for the District aforesaid, who in this case prosecutes in their behalf and is duly authorized so to do, respectfully represents:

That in the original libel of information herein filed, the quantity of flour shipped by interstate shipment into Louisiana, in violation of Food & Drugs Act, June 30, 1906, was alleged to be three hundred and fifty sacks of flour,

Libelant now desires to amend said original libel of information by averring that since the filing of the original libel, libelant has learned and now avers that the quantity of flour contained in car set out in original libel, being Rock Island car #31901, C. R. I. & P., is sixteen bales of 24 lb. sacks; sixteen bales of 12 lb. sacks, four hundred and twenty 98 lb. sacks and twenty barrels.

Libelant, further, desires to amend the original libel herein filed and does so now amend it by averring that the interstate shipment of flour, of the quantity just above mentioned, and in the manner and under the circumstances set forth in the original libel was consigned to McCloskey Brothers, New Orleans, Louisiana, instead of to L. Fay & Company as averred in the original libel, this information having come to libelant since the filing of the original libel.

Libelant now reiterates and reaffirms all of the allegations and averments contained in the original libel herein filed, with the exception of those herein amended and makes part hereof said original libel.

Wherefore, the premises considered, libelant prays for leave to file this Amended Libel and that process of monition issue in due form and in accordance with the course of this Honorable Court against said flour; and that same be arrested and seized thereunder and that all persons having and pretending to have an interest in same be cited to appear and answer hereto and that in due course said flour be condemned and ordered confiscated and forfeited to the United States and destroyed, and that libelant may have such other orders and further relief as the nature of the case may require and for all general relief.

Process issued in due course and the aforesaid shipment was arrested and seized at Wilson, Louisiana, in the possession of the carrier. Samples, to wit, four twenty-four pound sacks, were pro-

cured at the time of seizure by an inspector of the Bureau of Chemistry of the United States Department of Agriculture and forwarded, properly wrapped, sealed, and packed, to laboratories at Washington, D. C., Chicago, Illinois, St. Paul, Minnesota, and New Orleans, Louisiana, for examination and analysis. The Aetna Mill and Elevator Company duly entered its appearance as claimant and thereafter filed its answer to the said libel, but subsequently, pursuant to an order of court, withdrew its answer and filed exceptions to the libel, alleging in substance and in form as follows:

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF LOUISIANA,  
BATON ROUGE DIVISION. (TRANSFERRED TO NEW ORLEANS DIVISION.)

UNITED STATES OF AMERICA, *Libelant*,  
vs.  
420 SACKS, ET AL OF FLOUR.

EXCEPTIONS TO LIBEL.

The Aetna Mill and Elevator Company, owner and claimant of the 420 Sacks, et al of Flour seized under the libel filed herein hereby excepts to the libel of the United States of America against the said flour for the following reasons:

First. That the Food and Drugs Act, June 30, 1906, under the authority of which the libelant herein instituted these proceedings, is wholly invalid, unconstitutional and void in that said Act in terms and by intendment is in violation of Article 1, Section 8, Paragraph 3, of the Constitution of the United States, and is further in violation of so much of Article 5 of the Amendments to the Constitution of the United States as prescribed that no person shall be deprived of life, liberty or property without due process of law; and is further in violation of Article 10 of the amendments to the Constitution of the United States.

Second. That the said act, known as "Food and Drugs Act, June 30, 1906," is wholly illegal and void by reason of the fact that it is uncertain and indefinite and that said uncertainty and indefiniteness apply to the whole of said law, and particularly in this, that the law itself does not define any standard of grade, quality or purity and in this regard delegates legislative functions to the court clothed with jurisdiction of cases of a civil or criminal nature brought under this law.

And that therefore this Honorable Court has no jurisdiction and ought not to proceed to enforce the claim alleged in the libel aforesaid, against said 420 Sacks, et al of Flour, or against this claimant for his interest therein.

Wherefore claimant prays that the libel herein may be dismissed with cost.

(Signed)            A. E. HELM,  
                            *Claimant's Proctor.*

After argument and due consideration thereof, the exceptions were overruled. The court, speaking by Foster, D. J., said:

UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF LOUISIANA.

THE UNITED STATES, |  
vs.                      } No. 14173.  
420 SACKS OF FLOUR.

ON EXCEPTIONS.

In this case a libel was filed by the United States against 420 sacks of flour alleged to have been brought into Louisiana by inter-state shipment from Kansas, in violation of the Food and Drugs Act.

The Aetna Mill and Elevator Company has claimed the flour and filed exceptions to the libel on the following grounds:

"First—That the Food and Drugs Act, June 30, 1906, under the authority of which the libelant herein instituted these proceedings, is wholly invalid, unconstitutional and void, in that said Act in terms and by intendment is in violation of Article 1, Section 8, Paragraph 3, of the Constitution of the United States, and is further in violation of so much of Article 5 of the amendments to the Constitution of the United States as prescribed that no person shall be deprived of life liberty or property without due process of law; and is further in violation of Article 10 of the amendments to the Constitution of the United States.

"Second—That the said Act, known as the Food and Drugs Act, June 30, 1906, is wholly illegal and void by reason of the fact that it is uncertain and indefinite and that said uncertainty and indefiniteness apply to the whole of said law, and particularly in this, that the law itself does not define any standard of grade quality or purity and in this regard delegates legislative functions to the Court clothed with jurisdiction of cases of a civil or criminal nature brought under this law."

It is urged by claimant that Congress intended to, and in fact has, enacted a police regulation, and that having such intention, the power vested in Congress to regulate inter-state commerce is insufficient to validate the Act.

I cannot agree with this contention. To my mind it is immaterial what the intention of Congress was, if it had the power to enact the legislation. That it did so have, I consider well settled. In the Lottery case (188 U. S. 321) the Supreme Court upheld the validity of the law prohibiting the sending of lottery tickets from one state to another, and reasoning by analogy, it seems perfectly clear that Congress can prohibit the shipment in interstate commerce of food that has been adulterated, or labeled so as to defraud or mislead the public.

The second contention I consider equally without merit. While the Act is necessarily broad in its terms, the courts can well protect the rights of parties in each particular case by requiring specific and properly drawn pleadings.

The exceptions must therefore be overruled.

The claimant thereupon asserted its intention to take appeal from the ruling of the court and declared in open court by its proctors no answer would be made by it to the libel. Thereupon, after the delays allowed by law had elapsed, the court pronounced the claimant in contumacy and default, adjudged the libel to be taken *pro confesso*, and proceeded to hear the cause *ex parte*. A commissioner was duly appointed, before whom the United States of America, libelant, offered testimony in substance as follows:

B. C. WINSLOW, Inspector of the Department of Agriculture:

I saw the flour described in the libel milled and loaded into the car at Wellington, Kans. The flour was milled from soft wheat, or what ordinarily is called soft wheat, and a straight grade, to which other clear flour was added and mixed, and it was packed under the label "Aetna Silk High Patent Flour." The flour was bleached by the Alsop process before it was passed into the packing room. I have observed the Alsop process in a large number of mills throughout the United States. The process, in its essential parts, consists of an apparatus for the manipulation of an electrical current which produces

nitrogen peroxide gas; and an air pump, pumping a current of air which is mixed or mixes with the gas, and a receptacle for mixing the flour and gas. The gas diluted with air passes from the generator to the agitator, when the flour and gas are brought into close contact. The gas used has a disagreeable odor, which was very marked at the Aetna Company's mill and in the car in which the flour was shipped. "Patent" flour, in the science and art of milling, is understood to be flour made from purified middlings. To the consumer, patent flour means the best grade of flour. It commands the highest price in the market. "Clear" flour is a mixture of the odds and ends in milling excluding middlings, although clear flour frequently contains the purest quality of middling stock from the tail of the mill. "Straight" flour, or straight grade, means all the contents of the wheat fit for consumption. The low grade flour is called "Red Dog," and is essentially a stock feed. Patent flour, if properly milled, is whiter than straight or clear. Straight flour is whiter than the clear. The flour described in the libel was much whiter after bleaching. The flour, after milling and before it passed into the agitator, was darker than patent flour. After the flour came out of the agitator the color was as light as that of good patent flour. The contrast between the color of the flour before and after bleaching was strong.

F. L. WOLLARD, Inspector, United States Department of Agriculture, testified to the taking of samples of the flour after seizure, on July 26, 1909, and the manner of marking, sealing, and forwarding same to laboratories of the Department of Agriculture at Washington, D. C., Chicago, Illinois, St. Paul, Minnesota, and New Orleans, Louisiana, respectively.

ANDREW L. WINTON, Chief of the Chicago Laboratory, United States Department of Agriculture; Ph. B. and Ph. D., Yale University; studied also at Graz University (Austria); 23 years Chemist, Connecticut Agricultural Experiment Station; examined food products at the Connecticut Experiment Station, and has continued this line of work during three years service in the Department of Agriculture; author numerous scientific articles on the chemistry of foods and microscopy of foods; assisted in the revision of Leach's Food Inspection and Analysis, a comprehensive work on foods and the analysis of foods:

Since the fall of 1907, bleaching of flour has been my chief line of investigation. I have visited more than twenty mills where flour is bleached by the Alsop process. This process consists essentially of two parts—the generator for producing nitrogen peroxide and pumping it to the place where the bleaching is performed; and second, the agitator, where the flour is commingled with the bleaching gas.

The generator consists essentially of a chamber containing electrodes, which, by a mechanical device, are caused to approach and recede, thus making and breaking a circuit of high potential, and causing a flaming discharge of electricity within this chamber. By this flaming discharge a portion of the nitrogen and oxygen of the air, within the chamber, are caused to unite chemically, forming nitrogen peroxide. The same mechanical force which makes and breaks the electric current also operates a pump, which forces the air containing the nitrogen peroxide into the agitator through a metal pipe. Various forms of agitators are used, some horizontal with arrangements for moving the flour from one end to the other, others vertical, in which the falling flour meets with obstructions which aid in mingling the flour with the bleaching gas. The result secured in all forms of agitators is the same, namely, the mixing of the flour with the bleaching gas and the bleaching of the flour. The bleaching agent is a nitrogen peroxide gas diluted by atmospheric air. In the process, the gas forms with the moisture of the flour equal molecules of nitrous acid and nitric acid, formed as free acids.

It is my opinion that a considerable part of these acids remains in the flour as free acids, presumably in solution. Nitrogen peroxide gas is reddish in color, highly corrosive, with a strong suffocating chemical odor. Diluted, the gas is lighter in color, and when diluted to the extent ordinarily used in the Alsop process, might not be visible to the eye, but is evident from its pungent odor, which I have often observed in visiting the mills. Hundreds of samples of flour, bleached and unbleached, from mills in different sections of the country, have been examined under my supervision at the Chicago Laboratory. On July 29, 1909, I received the sack of flour described by Inspector Wppard as bearing the number 5671-b. After stirring thoroughly the contents of the sack, samples were taken therefrom and examined under my direction. We found that the flour had been bleached by a process which introduced into the flour nitrous acid and which also bleached the coloring matter which is associated with the fat of the flour. The same chemical changes were observed as are brought about in the bleaching of flour by the Alsop process. Nitrous acid forms combinations with bases known as nitrites. Nitrous acid, whether free or combined, has a poisonous action. The first analysis of the flour disclosed the presence of .40 parts nitrogen as nitrous acid per million of flour, .51 per cent of ash and 1.09 per cent of fat. The ash found was in excess of the quantity present in a true "patent" flour which indicated the flour to be of lower grade than ordinary "patent" flour.

After the flour had been stored some time during the hot summer months, another analysis was made and the same quantity of ash

and fat was found, but there was less nitrogen as nitrous acid present than at the time of the former analysis. In my opinion, nitrous acid present in bleached flour diminishes with the lapse of time. Bleaching by the Alsop process changes the chemical and physical character of the flour, the fat losing in some degree its power of combining with iodine, the effect being to give, by a standard method, a lower iodine number. In my opinion, the bleaching of flour injures the quality and flavor of the flour for baking purposes. The flour in question was inferior to "patent" flour, although bleaching had served to give it the color of the more valuable flour. The time-honored method of judging flour has been by its color. Bleaching of flour does not appreciably affect the percentage of the ordinary food elements, such as starch, gluten, and other proteins, but the fat is altered to some extent. The flavor of such flour is injured without gain in nutritive qualities. The quality of the flour is not improved at all. Bread made from unbleached flour is yellower than bread made from bleached flour. Nitrites, nitrous acid, or nitrous reacting materials are not normally in wheat and are not found in commercial unbleached flours. In my opinion, one-third to one-half of the nitrate reacting materials found in the flour received from Inspector Wollard would remain in bread made therefrom.

ANDREW S. MITCHELL, Chief of the St. Paul Laboratory, United States Department of Agriculture; Ph. C., University of Michigan; analytical chemist; formerly State Analyst for the Wisconsin Dairy and Food Commission; also Chemist for the Wisconsin State Board of Health; taught chemistry and toxicology in the Milwaukee Medical College and School of Dentistry:

I have made a special study of flour bleaching with respect to the effect of bleaching upon the flour and its constituents and upon bread and other food products made from the flour. Examination was made in the St. Paul Laboratory, under my supervision, of a part of the contents of a 24-pound sack of flour, numbered 5672-b and bearing seals dated July 26, 1909, and signed Frank L. Wollard. There was extracted from the flour with water nitrite reacting material in sufficient quantity to prove beyond question that nitrogen peroxide had been added to the flour. It was evident that the flour had been artificially bleached because the color of the fat was lowered; the color having been altered so as to make the flour appear of a higher grade and quality than it actually was. Nitrogen peroxide is a poisonous, irrespirable gas of a brownish-red color and a suffocating odor. The nitrogen peroxide gas combines with the moisture of the flour so as to form nitrous acid and nitric acid. All combinations of nitrous acid are poisonous. Treatment with nitrogen peroxide injured the quality and strength of the flour in the following

particulars: First, bleaching impaired its flavor; second, the fat was chemically and physically altered to its detriment; third, the gluten of the flour was affected so that it did not go through the normal process which is known to the miller and baker as conditioning or improving, and was thereby stopped from further improvement.

Analysis of samples of this particular lot of flour, made between August 2 and August 5, showed an acid content of .145 per cent and an ash content of slightly over .49 per cent. "Clear" flour is that portion of the flour which is abstracted from the whole percentage of the flour in the manufacture of patent flour. "Clear" flours are frequently divided into first and second quality flours. "Straight" flour contains all the edible portions of the flour obtained from a given wheat. A "patent" flour is made from the purified middlings, with or without certain of the break flours, which are sufficiently pure and free from dirt or branny material so as not to lower its quality and it is the best selected portions of the flour made from a given wheat. The percentage of flour used in a "patent" may vary from one-half to quite a high percentage of the wheat, but is always less than in the "straight," that is, the manufacture of a "patent" flour always results in a "clear" flour as well. The flour examined was not a "patent" flour, although it resembled a "patent" flour in color. The bleaching of this flour also injured its bread-making qualities; it acted upon the fat and the gluten in such a way as to injure the flavor; it acted on the gluten so as to injuriously affect the texture of the bread made from it. Although the sample of flour was branded "Aetna Silk-High Patent" the bread made from it was inferior in color, flavor, in volume of the loaf and texture of the crumb of bread made from a true "patent" flour. The bread which might have been made from this same flour unbleached would have been superior in every way, except in color, which would have been more creamy and not of the ashy or bluey whiteness.

A special study was made in the St. Paul Laboratory to ascertain whether or not nitrous acid or nitrite reacting material added to the flour by the Alsop bleaching process remains in the bread as ordinarily made in bakeries or the kitchens of the people. These investigations showed that bread made from this flour, at or about the time of its shipment and seizure, contained a portion of the nitrates present in the flour. These nitrates would, under ordinary conditions, be dissolved and freed from the combination in which they entered into the stomach. Nitrite reacting material, in my opinion, based on examination of a large number of samples, is not a normal constituent of wheat flour. The apparent effect of the bleaching of flour is to raise its acidity, but as the amounts of acids formed from the gases are so small, under ordinary conditions, they do not show their increase

under our methods of making examinations. Bleaching seems to check the development of the normal acidity of flour, which seems to be due to development of organic acids through enzymes, which are present in the living cells of the flour. Bleaching alters the character of the fat, both physically and chemically, rendering the yellow semi-fluid oil of the wheat a colorless and almost solid fatty body devoid of flavor and having a musty, undesirable, stale, rancid odor. This odor remains after the baking process. Natural aging of flour improves its color, which becomes lighter, but remains of the same creamy cast, improves the gluten for a certain period of time; the gluten becoming more elastic, makes the flour so that it will hold more water, and makes a dough of a given stiffness and bread of a given quality; in other words, improves the bread-making qualities of the flour. Bleaching arrests all such improvement or development in the gluten and does not improve its elasticity. Unbleached flour will improve in quality for a certain time. Bleached flour will not improve with the lapse of time, either in color, quality, or strength. Bleached flour cannot be identified by its color on mere inspection. Color is the most available index of quality to the purchaser and bleaching destroys this index in all instances.

J. H. SHEPARD, Professor of Chemistry in South Dakota State College and Chemist of the Agricultural Experiment Station for 22 years; Chemist of the South Dakota Pure Food Commission for 9 years; author of several text-books on chemistry in general use throughout the United States; graduate of the University of Michigan; member of the American Chemical Society:

I have made many investigations of the nutritive value of all the common plants of South Dakota, including grains and grasses, and during the last five years have been engaged in the determination of a co-efficient of digestibility for grains, forage plants, and grasses. I have made exhaustive investigations on the Durum wheats and other wheats introduced into the United States by the Department of Agriculture, and have made many experiments to determine facts which govern the digestion *in vitro*. I have had many conferences with experts on the subject of foods, flours, and the like, both in this country and in England, and about a year ago was called to London to testify in the Court of Chancery on the question of the wholesomeness of bleached flour. I am familiar with the process of milling flour and have an experimental mill in my own laboratory, where I have personally milled a very large number of samples of flour. "Patent" flour is made from purified middlings. It may also contain a small quantity of break flour, dependent on the way in which the miller grinds. If 55 per cent of all the flour obtainable from the

wheat should go into first "patent," that would make strictly first-class "patent;" some millers, desiring gain, push this still further until they get 65 to 75 per cent, but that ought not to be called first-class "patent." "Clear" flour is the flour remaining after separation of the patent flour, not including "red dog flour." "Straight" flour is the entire flour obtainable from the wheat and includes both the patent and the clear. Flour milled as "straight" grade, from wheat grown the same year as the milling, to which was added 15 or 20 per cent clear grade of flour, made from an old hard wheat, all the flour being run together and mixed and bleached, is not a "patent" flour, but is of less value on the market than "patent" flour. Such a flour, if unbleached, would have a darker color than "patent" flour. The bread made from such a flour, if unbleached, would be somewhat darker in color and would present a less inviting appearance than bread made from a first "patent" flour. "Patent" flour, milled from the same wheat as the flour here in question, would have been better in bread-making qualities and would have commanded a higher price on the market.

I am familiar with the Alsop process used for bleaching flour. The process is electrical and the apparatus consists essentially of a cubical box, usually with glass sides, and inside of this box are two terminals of an electrical current, and the upper one of these terminals is attached to a crank shaft that is alternately raised and lowered. When the upper terminal is at its lowest point, it rests upon the lower electrode, or nearly so. When drawn apart by the crank motion there ensues a flaming discharge of electricity. This discharge, at a very high temperature, causes the free nitrogen of the atmosphere to combine with the free oxygen of the atmosphere, producing various oxides of nitrogen, the most important one of which is nitrogen peroxide. When the flaming discharge has been made, a current of air is swept through this box, and by means of a suitable pipe, is carried into what we might call an agitator. These are of various kinds. The one which I have examined in the large mills of Minneapolis consists of a vertical outer shell, made of galvanized iron; in the center is a shaft which stands perpendicular and which is rotating at a high rate of speed. Attached to the shaft are discs, at different intervals, from top to bottom, and these are arranged so when the flour falls on them, owing to the strong centrifugal force, they are thrown out against the walls of the casing. The flour is then conveyed back to the center of the apparatus and once again thrown out, and this is repeated until the stream of flour which enters the top of the agitator is passed out at the bottom. Meanwhile, a current of air laden with peroxide fumes is swept upward through the agitator and the flour is bleached during its passage.

Flour always contains moisture—about 10 per cent. The nitrogen peroxide in the bleaching process comes in contact with the water in the air and in the flour and each molecule of the peroxide, using the double formula, is converted into one molecule each of nitrous and nitric acid. Nitrogen peroxide is a dark brownish gas, with a very evil nauseating odor and extremely caustic properties. If inhaled in small quantities it produces a distressing feeling in the respiratory organs, and in large quantities produces death. It is a poisonous gas. Nitrogen peroxide gas corrodes iron pipes with which it comes into contact. The bleaching process makes flour appear whiter. I have made experiments on the color of flour by bleaching with large and small quantities of the gaseous medium used in the Alsop process. The color of flour is a compound, made by the two primary colors orange and yellow. When I first determined the amount of orange and yellow in the unbleached flour and subjected it progressively to increasing amounts of peroxide, there was a marked diminution in the orange color and a light diminution in the yellow color, until I reached a point where the desirable color was more nearly approached. I found from that point on if I increased the amount of peroxide that the orange did not reappear, but there was a slight increase in the yellow color. The amounts of peroxide that I used per million varied from four and one-half parts to one hundred and eighty parts, which is a very wide range. It is probable that for ordinary bleaching, the amounts of nitrogen peroxide that would be used in commerce would run from about thirty-six to seventy-two per million, compared with the weight of the flour. In my opinion, where flour is very yellow and very highly colored, even larger quantities of peroxide may be used.

The statement is commonly made and believed that large quantities of peroxide cannot be used, owing to the fact that it darkens the color of the flour to such an extent that it is not a fit article of commerce. In experimental work, however, I have found that even in such large amounts as one hundred and eighty parts per million, the orange color had entirely disappeared and the yellow had risen no further than it was in the original unbleached flour, and that the flour was very strictly still a commercial article. It was not injured so far as its appearance was concerned and it could be baked into bread. In the case of straight flour, where there were 15 parts of orange and 20 parts of yellow in unbleached flour, on the addition of 180 parts per million of nitrogen peroxide, there remained no orange and only 19 parts of yellow as against 20 parts in the original flour, showing that the work was still within the possible limitations of bleaching. As the miller has no way of measuring or computing the gases, he naturally uses all of the nitrogen peroxide necessary

to bring about a certain color, be it large or small. Bleaching of flour by the Alsop process produces nitrous and nitric acid. Nitrous acid is a corrosive acid which has not been isolated in the pure state. It is an unstable acid, constantly giving off peroxide fumes, and when exposed to the air, oxidizes and passes into the higher acid known as nitric acid. Nitric acid is one of the most powerful acids known in chemistry. It is very corrosive, capable of charring organic matter, turns the skin yellow, dissolves nearly all metals, and forms soluble compounds called nitrates. Nitrites, which may form in the flour from the addition of nitrous acid, are deleterious and poisonous. A number of such nitrites may be recovered from the flour by treatment by water, unless the flour has stood for a very great length of time. If taken within a few days after treatment, that is, two or three days, the largest percentage of nitrites that is recoverable from the flour as compared with the amounts used in the flour is from eleven to fourteen per cent.

Assuming that the first analysis of the flour here in question was made immediately after the bleaching and four-tenths of a part of nitrogen as nitrite was found, this would be equivalent to one and three-tenths parts per million of nitrogen peroxide, that is, there would have been used about thirteen and two-tenths parts per million of nitrogen peroxide upon the assumption that the determination was made immediately. The lapse of twenty days, which the evidence shows took place between the time of bleaching and the first analysis of samples of the flour, would, of course, largely diminish the amount of nitrites recoverable by water. Reasoning from experiments made in the Dakota laboratory, which show the amount of loss by lapse of time, it would appear that about forty parts per million of nitrogen peroxide were used on the flour. The loss of nitrites through lapse of time is due to a number of processes. The oil of the flour will absorb some of the nitrite. The nitrite also enters into combination with the gluten, when it no longer appears as nitrite, but is lost beyond recovery. We also know that some of this nitrite is oxidized to nitrate, and it is fair to assume that a portion of the nitrite is lost by volatilization. Again, there is some evidence to show that the cellulose compounds, that is to say, the branny portions of the flour, combine with this nitrous acid and hold it more or less loosely. The amount of nitrite reacting material will diminish even if kept in a tight bottle after bleaching. I have prepared a table of experiments, which shows that after bleached flour was kept in tightly cork stoppered glass bottles for two weeks, at least one-half of the peroxide disappeared, and that by storing for a longer time, it is possible for the nitrites to disappear entirely. No chemist, therefore, can tell by analyzing the flour, unless he knows about how long it has been bleached, how much per-

oxide has been employed in treating the flour. As a matter of fact, we know from the color experiments that a miller may, and in all probability does, employ with each sample of flour all the peroxide necessary to reach the desired color, be the amount large or small. It is possible to recover more nitrite reacting material from a "patent" flour than from a "straight" flour. The explanation of this is that "straight" flour contains more of the branny particles and perhaps also more of the mineral matter of the flour than would a "patent," and that this acid has entered into combination with these constituents.

The bleaching of flour with nitrogen peroxide gives new flour the general appearance of flour made from old wheat, but it does not improve the quality of the flour. The bleaching process has similar effects on freshly milled flour from properly aged wheat, that is, it makes the freshly milled flour simulate properly aged flour in appearance, but in no wise improves its baking qualities. Flour naturally aged differs from the same flour bleached in that the color is a creamy white and not a chalky white. Naturally aged flour has a better odor and a better taste because aromatic substances are produced during the natural aging and makes a better loaf of bread because of the improvement in the condition of the gluten and the bread is more digestible than bread made from the same flour bleached. The digestibility of bread is impaired by bleaching of the flour, irrespective of the amount of bleaching, the difference being only a difference in degree. Nitrite reacting material is not normal to wheat or wheat flour and these materials are not produced by natural aging. The bleaching process does not work any favorable change in the gluten. In the natural aging there is a building up from amido compounds into albuminoids, whereas when nitrogen peroxide has been used there is a degradation of the nutritive albuminoids into the non-nutritive and often-times amido compounds. My experiments show that the total nitrogen in flour is unaffected by bleaching, but that there is an actual decrease in the amount of albuminoid nitrogen and an increase in the amount of amido nitrogen: that is to say, bleaching lowers the nutritive value of the flour and there are no compensating features to justify the use of peroxide.

Assuming that the flour in question was bleached with nitrogen peroxide and contains nitrogen peroxide material, it is my opinion, based on a large number of experiments, that this flour was injured as to its quality and digestibility by the bleaching process to which the flour was subjected. It is generally true that the bleaching of flour by nitrogen peroxide gas, diluted with atmospheric air, tends to reduce or lower the quality and strength of the flour. The injury to the flour differs only in degree, depending upon the amount of the bleaching reagent used in bleaching the flour.

Nitrite reacting material is not expelled in the baking process for a number of reasons: First, the soluble nitrites are not necessarily volatile substances; second, volatile substances are entangled in the gluten in the dough and they remain in imprisonment in those little bubbles. If reduced to a gas the result is that when the bread cools down, they go back into combination again. The gases formed by fermentation must remain in the bread during the baking process, otherwise we would have a collapse of the dough and heavy bread. That is one reason why it is not well to injure the quality of the gluten, because it will not hold the gases.

Assuming that the flour seized in the present case consisted of a "straight" grade flour, made out of a mixture of hard and soft winter wheat, mixed with fifteen to twenty per cent of first "clear" old wheat flour, the product is, in no sense, a "patent" flour. It is not even a good "straight" flour. It is a flour that had been adulterated by the addition of "clear" flour; that is to say, it contains more low-grade flour than the wheat would produce. Further assuming that this flour was treated by the Alsop process, the flour was colored or stained in a manner whereby damage or inferiority is concealed; a substance, namely, nitrogen peroxide, was mixed or packed with the flour so as to injuriously affect its quality or strength; and the flour contained an added poisonous or deleterious ingredient which renders the flour or the bread made from it injurious to the health of consumers in the following particulars: First, the bread is less digestible, and if a man persists in eating indigestible things, it is conducive to attacks of what we call indigestion and dyspepsia; second, so far as the addition of nitrites is concerned, it is well known that they have a poisonous action on the human system whereby they destroy the hemoglobin of the blood and depress the circulation.

The statement contained in the specifications for the Alsop patent, No. 759,651, granted May 10, 1904, that there is a diminution of the starch content of the flour treated by their process of 11.87 per cent, with a corresponding increase of proteids, is unfounded in fact. Since nothing has been added to the flour except nitrogen peroxide, this statement, in effect, is that the starch is lost as starch and has been converted into proteids. Such a change in the starch is absolutely unknown in chemistry and it is impossible to make proteids as they are referred to in the specifications. We have never been able even to synthesize a proteid, let alone make it out of hydrogen and carbon and oxygen. I have made total nitrogen determinations of a great many bleached flours and I have never been able to find, where a reasonable amount has been used, that my total nitrogen has risen at all. The statement made in the same specifications that bleaching by the Alsop process increases the nitrogen in the flour is

untrue. To produce the result claimed in the specifications 68,000 parts of nitrogen peroxide per million would be necessary, and the nitrogen produced would not be nitrogen as protein, but would be nitrogen as nitrates or nitrites.

C. H. BARNARD, miller for the Hunter Milling Company, Wellington, Kansas; in charge of flour mills for about 23 years:

I am familiar with the mill of the Aetna Mill and Elevator Company at Wellington, Kansas. It is almost a duplicate of the mill of which I have charge. I am familiar with the Alsop Bleacher, have seen it operated, examined bleached flour, and have compared it with unbleached flour. I am familiar with the terms "straight flour," "clear flour," and "patent flour" as commonly understood by millers, bakers, and flour merchants.

"Straight flour" is all the flour obtained from wheat with the exception of 3 to 5 per cent thrown out as "red dog." A few mills make what is termed "100% Straight Flour," and do not make any "red dog;" that is, their straight flour is all the flour obtainable from a given wheat. So far as I know, the Aetna Mills do not take out any "red dog" or low grade. "Clear" flour is obtained from low grade middlings and breaks; the percentage made in different mills varies from 15 to 30 per cent, generally running from 25 to 27 per cent. This would make from 3 to 5 per cent low grade or "red dog" and 70 per cent "patent" and the balance "clear." "Patent" flour is made from the purified middlings which are obtained from the first three breaks. Assuming that the flour involved in this case was a "straight" run of flour made from new wheat, hard and soft, to which had been added 15 or 20 per cent of "clear" made from an old wheat, and that the flour after bleaching and packing was labeled "High Patent," such labeling was a misstatement, as in truth the product was not a "patent" flour. If the flour had not been bleached, it would be inferior commercially to a "patent" flour. Its color unbleached would be darker than a "patent" flour, the effect of bleaching giving it a whiter appearance than true "patent flour." There are three flour mills located at Wellington, Kansas—the Aetna, the Hunter, and the Wellington Mills & Elevator Company, of combined daily capacity of about 3,500 barrels. The Hunter mill does not buy flour from other mills. It did, however, sell "clear" flour prior to the time of shipment of the flour in question to the Aetna Mill & Elevator Company, this "clear flour" being about 25 to 27 per cent of the wheat milled at that time. Such flour in 140-pound jutes, was loaded on cars for shipment or delivered to the Aetna Company.

GORDON SMITH, a baker of long experience, residing at Mobile, Alabama; a member of the National Association of Master Bakers; has attended numerous conventions of that Association; has made a study of the trade from the standpoint of a practical man:

Bleaching flour tends to kill the fine nutty flavor of the wheat. Dough made from bleached flour does not expand so well and you do not get as large a loaf as from unbleached flour. Bread made from unbleached flour has a better flavor and better appearance. Bleaching betters the appearance of the flour, but does not help the bread in any way. Unbleached flour is yellowish before baking, but after baking it whitens. I am familiar with the different grades of flour—"clear," "straight," and "patent"—as found on the market. The patent is the highest priced flour. A 75 per cent patent flour is considered a pretty good flour for a baker. Next in rank is the "straight flour," which usually sells at from 25 to 50 cents less than patent. "Clear flour" is a lower grade flour which bakers do not purchase. The baker in buying flour has in the past judged its grade by its color, but in the case of bleached flour this is impossible, as bleaching cannot be detected by mere inspection, and by bakers, bleaching is generally considered a deceit. A mill often takes a "straight flour" and by bleaching it calls it a "patent." It is not a "patent," however, and will not equal a "patent" from the bakers standpoint. If the flour considered in this case is a "straight flour" made from new wheat, to which has been added a small percentage of "clear flour," it is not in any sense a "patent flour," but is decidedly inferior to a "patent flour." Bleaching a flour does not aid the baker in any way. It tends to deceive the eye and gives the flour the appearance of a better grade. Aging naturally improves flour; bleaching does not, nor will the flour, after bleaching, improve with age, the bleached flour being at its best when it comes from the mill. The longer it stands the worse it gets.

JAMES E. LEWIS, a flour salesman, residing at New Orleans, Louisiana; was for 17 years manager of a 500-barrel mill at Vincennes, Indiana:

I am familiar with the various kinds of flours, both bleached and unbleached. The mill with which I was connected bleached flour and I had an opportunity to observe and to compare it with other flours not bleached. The process used for bleaching in our mills was the Alsop and I was afforded the opportunity to become familiar with the effects of this process upon flour. I understand the expressions "clear flour," "straight flour," and "Patent flour," as used by millers, bakers, and the trade in general. "Straight" flour is all the portions of the wheat fit for human food. "Clear" flour is that portion of

the wheat fit for human food, less "patent" flour taken from it. "Patent" flour is a flour with a portion of the "clear" taken from it; that is, it is the center portion of the berry, the most edible part, and is the highest priced flour on the market. There is about 50 cents difference in the price between "patent" and "straight" and about 65 cents difference in the price between "straight" and "clear" flours. Unbleached "patent" flour is of a lighter color than unbleached "straight" flour, while under the process of bleaching the "straight" may be whiter than the "patent." Unbleached "patent" flour is also lighter in color than the "clear" unbleached. In other words, the lighter the flour in color the higher price it commands in the market, and bleaching makes all grades of flour whiter. Flour naturally improves with age and the bleaching of a fresh flour gives it the appearance of an aged flour to all but the expert observer. The bread made from bleached flour has an unpleasant, musty odor. A fresh flour makes a slimy dough when used for bread and this condition is not improved by bleaching.

FRED H. KRITE, miller of 45 years experience, residing at St. Louis, Missouri; owner of the mill with which he is now connected:

I am familiar with the grading of flour. "Straight" flour is from 95 to 100 per cent of the flour contained in the wheat. "Clear" flour is from 12 to 30 per cent of the lower grade flour taken from the wheat. "Patent" is from 60 to 65 per cent of the best flour in the wheat; that is, it is taken from the first middlings and starchy part of the wheat. Compared with "straight," "patent" flour is whiter and commands a higher price, and between "patent" and "clear" there is usually a difference of about 75 cents in price and a marked difference in color. Prior to February 17, 1909, I used the Alsop process bleacher, but on that date discontinued its use and consequently lost sales to bakers who wanted bleached flour. One baker in particular said "I know I can make whiter bread out of bleached flour than from unbleached flour." The effect of the Alsop process is to turn the flour a deadly white color. It makes "straight" and "clear" flour look like a "patent" and thus enables millers to put off their flour as a "patent" flour. There is a very disagreeable odor connected with the use of the Alsop process. The bleaching gives to a new flour the appearance of an aged flour and makes flour from a new wheat look like flour manufactured from aged wheat. It does not, however, improve the quality of the flour. In other words, it is deceptive in that it makes new flour from new wheat look like a better and a whiter flour. If flour be heavily bleached, it is injured and will make a sticky dough but with light bleaching this difference is not so marked. Flour does not improve after bleaching. If we assume that the flour here considered was a "straight" run from

new wheat, to which was added 15 or 20 per cent of a "clear" flour made from an old wheat, the product should be termed "blended flour." It is in no sense a "patent" flour. It is, in fact, lower in grade than a "straight" flour, but by bleaching it passes for a higher grade.

WILLIAM POLLOCK, a miller and millwright of 50 years experience, at present interested in a mill which operates an Alsop Bleacher:

I am familiar with both bleached and unbleached flour and understand the grades of flour as ordinarily used by the milling trade. A "patent" flour is made from the best purified middlings, the highest grade portion of the wheat. "Clear" flour is what is left from the "patent" flour. A "straight" flour is all the content of the wheat except a very small percentage that is cut off as low grade or "red dog." Flour milled from wheat which has been stored for some time is superior to flour milled from fresh wheat, and freshly milled flour is always improved by natural aging. Aging improves the quality as well as the color of flour, while by using the Alsop process there is an improvement in color but no improvement in the quality of flour. To the inexperienced the bleached flour has a whiter color, resembling a high grade unbleached flour, but to the expert it presents a bluish white color which is not as desirable as the creamy white of naturally aged flour. A salesman of a bleached flour can persuade the purchaser to believe his flour to be of a better grade, when, as a matter of fact, it is not as good as unbleached flour with which it may come into competition. Bleaching destroys to a great extent the sweet flavor and rich aroma, which is especially noticeable in hot bread when broken open for use, and gives to the bread an unpleasant odor.

J. J. BROWN, of Topeka, Kansas; engaged in the milling business for 23 years in the States of Kansas and Nebraska:

I have worked in a mill where an Alsop Bleacher was operated. The effect of this bleacher was to whiten the product and make the darker flour look like a whiter flour. Unbleached flour seems to have a better flavor than bleached flour; in fact, in bleached flour there seems to be scarcely any flavor, the bleaching killing the natural nutty flavor which the unbleached flour possesses. Unbleached flour is improved in quality and lightness of color by aging; bleached new flour simulates an aged flour, but has a deadly white color, while the naturally aged flour has a creamy white color. Bleaching does not improve the flour other than in color.

CLYDE H. BAILEY, Assistant in Grain Standardization, Bureau of Plant Industry, United States Department of Agriculture; graduate

of the School of Agriculture of the University of Minnesota; has had two years experience in a laboratory of the Howard Wheat and Flour Testing Company of Minneapolis, in which laboratory he conducted chemical and analytical work, as well as operating an experimental roller mill for the examination of the milling qualities of wheat; had nominal supervision over the baking room equipments where daily comparative baking tests were made, for the millers patronizing this laboratory; in 1907 was appointed Aid in Grain Standardization and detailed to Duluth Laboratory, where his work consisted principally of the examination of the grains passing through that market; on March 1, 1908, was transferred to the Bureau of Chemistry, where for the succeeding six months he was employed in the Food and Drug Inspection Laboratory at St. Paul, Minnesota, at which place his principal line of work was the examination of bleached and unbleached flour; at the conclusion of his work in the St. Paul Laboratory, was reappointed to the Bureau of Plant Industry as Assistant in Grain Standardization, his permanent station being Fargo, North Dakota, where he has conducted an investigation of American wheats, particularly as respect their milling and baking qualities:

I am familiar with both bleached and unbleached flour and understand the grades of flour as ordinarily used by the milling profession. Before the process of bleaching became common, the color of a flour determined, to a certain extent, its market value; that is, flours which were brighter or whiter in color, other things being equal, were regarded as the most valuable and commanded the highest price. For example, in the work of the Dakota station, it was found, particularly in the hard winter wheat class, the hard, clear, dark samples possessed, ordinarily, the highest gluten content, yielded a flour brighter and whiter in color than did those of wheat of the same class which contained a considerable portion of the starchy or "yellow berry" kernels, and which samples were also lower in gluten content and consequently poorer in baking quality. The color also indicates to an extent the kind of wheat. For example, Durum wheat flours are in general distinctly more yellow in color than a corresponding grade of flour made from Scotch fife wheat. A "patent" flour, as the term has been used in the trade, is a flour produced by reduction of the purified middlings either with or without the addition of certain of the break flour of highest quality. The use of the term "patent" necessarily implies that a lower grade of flour, ordinarily called a "clear" or "bakers' grade," has been separated from the same wheat. A "straight flour" according to trade usages means a flour consisting of practically all the flour portions of the wheat berry. The percentage of total flour which is present in the straight is usually about 97 per cent. "Clear" flour is a flour made

by continued reduction of the purified middlings after the "patent" flour has been separated therefrom, together with the inferior break flour. The color of "patent," "straight," and "clear" flours rank in whiteness in the order named. The percentages of "patent," "clear," and "straight" flour made from any given wheat vary under different conditions.

I am familiar with the Alsop bleaching process and have made a study of bleached flour as compared with the same flour unbleached, respecting taste, quality, flavor, and bread-making properties in general. A flour made from old wheat or conditioned wheat is superior in color and bread-making qualities to a flour made from new wheat, the flour made from new wheat never having as good baking qualities as does the same flour after proper aging or conditioning. The aged flour is whiter than the same flour previous to aging. The Alsop process gives to freshly milled flour a white color, which, to the inexperienced eye, is practically the same change in color that is effected by aging. Few purchasers are able to detect the difference between a freshly-milled flour after bleaching and the same flour after aging. Experts can sometimes detect this difference, especially if bleaching has been heavy, but even the expert may be deceived if the bleaching process has been stopped at the proper point and the inferiority of a freshly-milled flour so concealed that it would appear to be naturally aged. Assuming that the flour which has been seized consists of a straight grade of flour made from new wheat, to which has been added 15 or 20 per cent of "clear" flour made from old wheat, the product would most certainly not be a "patent" flour, but according to market usages and according to price would be distinctly inferior to a "patent" flour. Such a flour could, however, be bleached so as to simulate very closely the appearance of a "patent" flour, and the consumer would probably not detect the difference between this bleached flour and an unbleached "patent" flour made from the same wheat. Aside from the change in color, the Alsop process does not improve the baking qualities of any flour. Where the bleaching has been moderately heavy, the flours are distinctly injured from a baking standpoint. Its elasticity is affected and the bread produced from such flour is less desirable in respect to the texture or moistness of the crumb, the flavor, and odor, particularly the latter two. Whether the bleaching is light, moderate, or heavy, there is never an improvement. Very few mills practice what would be termed light bleaching, the flour commonly found on the market being moderately to heavily bleached, and in these the baking qualities have been injured. Bleaching never helps the elasticity of the dough, but renders it less elastic. The bread often possesses a disagreeable flavor and odor and never possesses the peculiar nutty flavor desirable in bread. The Alsop

bleaching process adds to or mixes with the flour a substance, namely, nitrous and nitric acids, which indirectly affects and is injurious to the flour as regarding quality and strength. Bleaching tends to conceal inferiority of flour, makes it simulate a "patent" flour; injuriously affects its quality and strength and adds to it substances which are injurious and poisonous.

HANNAH L. WESSLING, a chemist and bread-maker employed by the Bureau of Chemistry at the Food and Drug Inspection Laboratory, Chicago, Ill. Received the degrees of B. S. and M. S. in chemistry at the Cincinnati University; taught chemistry three years at the Woman's Medical College, Cincinnati, Ohio, and for two years in the high school at Newport, Ky.:

I am familiar with bread made from various kinds of flours, having conducted experiments on the flour involved in this case and compared the resulting bread with a number of breads of standard "patent" flour and in every case found the bread made of bleached flour inferior in color, in volume and in flavor. The difference between the bread made from bleached flour and that made from a standard "patent" flour, purchased on the market, was very marked and could be observed even by an unpracticed eye. The bleached flour always gave a very dull, lifeless gray color and the difference in volume was very marked. Bread made from flour bleached by the Alsop Process may be a little whiter in color than bread made from unbleached flour. Where the bleaching is slight there is not much difference in color. With heavy bleaching the bread deteriorates in color, that is, the color is inferior. There is usually, in the case of breads made from bleached flour, a lack of flavor and very often there is present an unpleasant flavor, but in all cases there is a lack of agreeable flavor.

GUSTAV MANN, Professor of Physiology, Tulane University, New Orleans, La. Received degree of M. D. and Master of Surgery from Edinburgh and B. S. from Oxford. Has devoted himself to research work since 1887; has published a book on histology and on the chemistry of the proteins. During the last 15 years has devoted himself particularly to chemistry in its relation to minute cells, changes in relation to metabolism and general nutritions; and has published some 30 papers on physiological subjects:

I am familiar with wheat flour, with the proteins contained in wheat flour, with nitrogen peroxide, and with the acids formed when oxygen peroxide reacts with moisture. Assuming that the flour involved in this case was bleached by the Alsop Process, which involves bringing into contact with the flour nitrogen peroxide gas, we have to consider the following points: Flour is made up of about 10% water and 90% of material which is of distinct food value. Of

this 90% of material, about 10% is protein, about 90% is starch, and practically 1% is fat. Of these three substances, protein, starch and fat, the most important, from a nutritive point of view, is the protein. It would be possible for one to starve to death if he got nothing but starch and fat, while it is not possible to starve to death with proteins such as are normal in flour. I have tested the action of nitrous acid on fat to a slight extent, on starch more considerably, but more particularly its action on protein. Fat is changed in such a way as to not only lose its color, but to make it behave in a different way from the normal fat found in flour, because of certain staining reactions, as for example scarlet R or Soudan 3, are not so readily obtained after treatment with nitrous acid.

I have made a series of experiments on the behavior of starch when subject to the ordinary salivary secretion and I find that using exceedingly delicate tests it is possible to show that there is always a distinct change induced in the starch as a result of bleaching, provided this bleaching is beyond what is usually called 4 per million. Even in strongly bleached flour, that is about 7 per million, however, the action on the starch is very slight. This is more surprising when we consider the fact that all acids have a distinct hydrolyzing action on starch food. Since in flour starch is equal, roughly speaking, to 90% of the total bulk, it follows that when flour is subjected to nitrous acid, when used in concentration of 5 per million, the action is in reality restricted to the protein and we have an action of one in twenty thousand. In other words, the expression "5 per million" is made on the supposition that the nitrous acid acts on the whole bulk of the flour evenly, but this in reality is not the case. There is 1% of fat on which it acts, but it leaves us with practically 90% of starch and 10% of protein, but since it is shown that the action on the starch is slight, it is not only possible, but probable, that the whole action of the nitrous acid will be concentrated on the amount of protein which is present. Therefore, if we apply certain tests, such as digestive tests, it is evident that the amount of nitrate which we can demonstrate in the flour by the usual test is absolutely no index as to the amount of damage which has been done to the protein. For example, a flour which was seized and which contained 7 parts per million of nitrogen, digested more rapidly than another which had been bleached in the laboratory to the extent of only 2½ per million. The question naturally arises if the amount of nitrates which is demonstrated by the usual means is not an index to the amount of action of the nitrous acid on the proteins, what ought we to do under these conditions? It appears that the only test to be applied in each case is the test of digestibility of a given flour. In addition to action on starch, I have made a number of tests on the proteins of the flour.

Elaborate precautions were taken to get the proteins in as pure a state as I could get them, taking time into consideration. Both bleached and unbleached flours were taken and subjected to comparative tests. For example, one pound of flour that was bleached and one pound of flour that was unbleached were taken, each made into dough with the same kind of water, kept for about an hour and then washed, first in running water, until no more starch could come out, taken through a mincing machine, kneaded again and more starch liberated. This process was repeated as many as six times so as to get only as much as one per thousand of starch left. Such minute quantities of starch will not in any way invalidate the value obtained. The flour, after it had been washed in this way, was kneaded by hand until all the water possible was squeezed out. With the unbleached flour the protein gluten became so sticky that it could not be readily removed from the fingers; that is, the unbleached flour was much more adhesive than the bleached flour. This gluten was then drawn into glass tubes by suction and these glass tubes, filled with the bleached and unbleached gluten were put in a steaming pan and subjected to steaming. After cooking the tubes were cut out by means of an ordinary file into lengths of about one inch and the gluten was cut across with a sharp knife. These glass tubes containing the gluten, either bleached or unbleached as the case might be, were then subjected to digestion, great care being taken to treat the bleached and unbleached gluten as nearly alike as possible. The digestive fluid used was made up in large quantities and in many instances a tube containing bleached and another containing unbleached gluten were placed in the same glass vessel for digestion. Under these conditions the bleached and unbleached flour were given exactly the same chance of digestion.

Other glass tubes were filled with the whites of newly laid eggs, so as to have a standard for comparison. Now since this gluten material was entirely protected by glass on the sides the digestive fluids could only act from the ends and by looking through the tube it was possible to see the exact amount of digestion which takes place. Measurements were taken with a very fine pair of compasses. The measurements from the end of the glass tube to the end of the digested material were transferred by this pair of compasses to a piece of smoked glass and the scratches on the smoked glass were fixed with varnish and put on the stage of a microscope. The results were magnified 50 times and by means of a special apparatus the image was projected on a piece of paper and the results so obtained were multiplied by two to make the diagram more evident. These results were then plotted on a chart. A few figures, however, will indicate clearly the tendency showed by the experiments. For example, take a flour

called "Golden Drop," which was unbleached and procured in New Orleans, and compare this unbleached flour with a bleached flour seized at St. Louis and which contained 7 per million of nitrogen. It was found after 56 hours that the bleached flour had digested to about one-half, the exact figures being for the unbleached flour 100 and for the bleached flour 57. In another case with the same flour, one sample unbleached and the other sample bleached to the extent of  $2\frac{1}{2}$  parts per million, the figures for digestion of unbleached to bleached flour was as 76 to 25. This means the bleached flour had only digested to one-third the extent of the unbleached. These figures bear out the same observations made by Professor Halliburton, of London, and appear to establish the correctness of the statement that the amount of nitrogen which can be demonstrated by ordinary methods is no index as to the actual change which has been induced in the protein. The question naturally suggests itself as to whether this deleterious action which was obtained with bleached flour was not due to free nitrous acid or nitrites which might be still in the flour.

Another experiment was therefore conducted in which elaborate precautions to get a gluten free from nitrous acid were made, this being accomplished by repeated washing of the gluten after its passage through a mincing machine. One hundred grams of dry gluten was treated with 10 liters of 70 % alcohol to extract the alcohol soluble protein constituent. The non-alcohol solution protein constituent was then dried and extracted by means of the Soxhlet apparatus to remove all fat. This dry and impalpable powder was once more extracted with alcohol to remove all traces of alcohol soluble proteins. Purified in this way it was found that the non-alcohol soluble protein still gave a distinct nitrate reaction. In addition to making the experiments with gastric digestion, I also tried the effects of pancreatic digestion and found, generally speaking, the bleached flour digested to unbleached flour in the ratio of 40 to 60. Experiments were also made with the insectivorous plant *Drosera*. This plant has flat leaves with about 20 to 30 little tentacles on its surface. Whenever a piece of digestible material is placed upon this leaf the tentacles close over and digest the material by a process which is quite comparable to gastric digestion. It was found by this test that the bleached flour caused the leaves to react a great deal more slowly than the unbleached flour; that is, the effect of bleaching throws an enormous amount of extra labor on the organism. It is possible, since there is free nitrous acid present, to reason as follows: We have a deleterious action on the living cells by the nitrous acid acting on that cell, for nitrous acid which has been added in the bleaching process and is still in the flour if it be brought in contact with the living cell produces therein some definite injurious effect.

Suppose we had nitrous acid as a nitrite in the stomach; when the nitrite comes in contact with the hydrochloric acid there would be liberated nitrous acid. Whether any injurious effect is produced will depend a great deal on the amount in which nitrous acid is present, but if nitrous acid be present even in the very minutest trace it will produce an effect definitely proportionate to the amount in which it is present. That is, if we have present only two molecules of nitrous acid, these two molecules would put two molecules of hemoglobins out of action. Similarly, it would put two molecules of nucleo protein out of action. The latter is a protein found in cell nuclei and it would also, judging by the fact that enzymes are secreted by the nuclei, inactivate two molecules of any ferment that might be present.

Prolonging the time of digestion causes injury. For example, if you take one hour more to digest a meal, the system is working all of that time, which means that it is spending energy which could otherwise be spent for a useful purpose. This would come particularly into play if the digestion of a person were feeble. Apart from the fact that proteins treated with nitrous acid are lessened in digestibility, there is induced in the protein a change in consequence of which that protein becomes distinctly more acid. This was demonstrated by treating bleached and unbleached flour with an excess alkali so as to get the proteins in solution and then titrated back with acid. In addition to the change in digestibility and the change in acid, it is well to notice the fact that one is apt, in employing any kind of a bleaching process, particularly if there be any flour left in the chambers in which the bleaching has been done, to produce a further change in the flour by which it may become poisonous. This stage is reached whenever the flour shows a distinct yellow color. Such protein will show what we call a zanto proteic reaction, the latter compound being distinctly poisonous. They are related to picric acid, a compound which is markedly poisonous. Further than this, if gluten or an animal protein is subjected to full nitrification there is a loss of the two amino-acids, tryptophane and lysin, both of which are absolutely essential to life. For example, chemically pure tryptophane gives with glyoxylic and sulphuric acids a deep violet color. After treatment of a solution of this tryptophane with very minute traces of nitrous acid it is impossible to obtain the violet color which one obtained with a normal tryptophane. Many experiments have been made which show that it is impossible to keep an animal alive if we have present all the different amino-acids of a protein, but no tryptophane. It has also been shown that lysin behaves similarly. Complete nitrification of a protein with nitrous acid leads to a complete disappearance of the lysin, and if not a total, at least a very perceptible diminishing of the tryptophane. Considering that the

protein of the flour is its most valuable constituent, it seems that any process by means of which 10% protein present in the flour is diminished should be strongly objected to.

In the bleaching of flour the nitrous acid links on to the protein, or if it has a chance it may link to the potassium, sodium and calcium salts which are constantly met with in all flours. It is therefore natural to suppose that we have present a certain amount of nitrites apart from the nitrous acid which has become linked on to the proteins. The fact that bleached flour gives a higher nitrogen value does not indicate that the food value of their proteins has been increased, for we must take into account the fact that the nature of the proteins is completely changed and therefore the amount of nitrogen is of no value in estimating the nitrogen value of a protein in relation to its food value. There is by all bleaching actions necessarily a loss of food value, the degree of loss depending directly on the extent of treatment. In addition to this actual loss in food value, the fact should be emphasized that bleaching has a deleterious effect in that it throws extra labor on the digestive system and means that it does not only act upon the flour, but upon the person consuming the flour by making digestion more difficult. Roughly speaking, this deterioration in digestibility may vary from 20 to 75%, depending on the amount of change which has been induced in the protein as a result of the flour having been subjected to the bleaching process. Nitrous acid, either free or combined, is one of the most poisonous substances which we have. Even in very minute amounts, nitrous acid should be handled with great care. It is conceivable under certain conditions that even very minute quantities of nitrous acid, such as one-half a grain, might be injurious to certain individuals. In considering this it is necessary to take into account the body weight of a patient, and above all the particular condition, at the time, of his circulatory and digestive systems. In feeble individuals it is quite conceivable that a dose of nitrite, which is normal under normal conditions, would cause death. One should be exceedingly careful in handling any nitrites or any nitrates, which, by the bacterial action in the alimentary canal are converted into nitrites. Bleaching therefore should not be permitted.

Dr. J. BIRNEY GUTHRIE, Associate Professor of Clinical Medicine and Therapeutics in Tulane University, New Orleans, La.; a practitioner of ten years' experience; has taken special interest in the laboratory side of medicine and has done laboratory work continuously throughout the ten years of practice:

I am familiar with  $\text{NO}_2$  (nitrogen peroxide), nitrous acid and nitric acid and all nitrates such as would be produced in food by treating it with  $\text{NO}_2$  and would say it is a very poisonous substance. Assuming

that in the bleaching process there is added to the flour nitrogen peroxide and nitrous acid either free or combined there is added to the flour a very poisonous substance, and if such substances remain in the bread or other food products made in whole or in part from flour, there would be a risk in introducing into the system such poisonous substances, in any quantity, however minute.

Nitrogen peroxide is a tissue poison and is known to have a peculiar poisonous reaction on different cells of the body. It combines with hemoglobin forming nitro-hemoglobin or met-hemoglobin, which substances are more stable than the hemoglobin itself. The hemoglobin molecule in such combination is for the time being at least unfit for carrying oxygen. This is the characteristic thing in nitrite poisoning, that is, it is the most apparent thing. If one poisons animals with nitrite the blood becomes a chocolate color and instead of the bright red of hemoglobin we see this chocolate color.

This change would be directly proportionate to the amount of nitrite that found its way into the blood. It would be bound to occur no matter what the quantity of nitrite is. In small amounts it might be difficult or even impossible to demonstrate, but this would be only because of the limitations of our methods of investigation and not because these changes had not occurred. Their effects would be the lowering of blood pressure. Nitrites are the favorite means of lowering blood pressure in demonstrating blood pressure phenomena to students. It is conceivable that an individual might react very sensitively in this regard and would react to a much smaller quantity of nitrite than we know will produce these characteristic changes ordinarily. The effect upon blood pressure of an individual of the consumption of bread containing nitrite reaction material should be, if the individual were sensitive enough, a lowering of blood pressure. It is a well-known fact that nitrates may be reduced to nitrites by bacterial action, both in the mouth and in the intestinal canal. Nitrite poisoning has sometimes resulted from this action. Poisoning by bismuth sub-nitrate usually is a nitrite poisoning which has resulted from the absorbing of nitrites formed by the bacterial action on the nitrates. There are well established cases of chronic nitrite poisoning resulting in death and there are also cases of nitrite poisoning which resulted from the effect of faulty protein splitting, forming nitrites in the blood, the result of bacterial life in the bowels. These cases have been demonstrated by observation with spectroscope showing met-hemoglobin.

Dr. HAMILTON P. JONES, graduate of medical department Tulane University, New Orleans, La. For 14 years assistant demonstrator of general chemistry and demonstrator of physiological chemistry; visiting physician of the Charity Hospital; Lecturer on clinical medi-

cine; was State analyst and at present is State food commissioner of Louisiana; has studied public hygiene and written many articles on various medical subjects. Served as physician in charge of yellow fever hospital at New Orleans and in Cuba and has made numerous trips to the West Indies, Central America and various States of the United States for the purpose of studying various matters of public hygiene and sanitation; a member of New Orleans Parish Medical Society, the Louisiana State Medical Society, the American Medical Society and the American Chemical Society:

I am familiar with bleached flour, the process known as the Alsop bleacher, and with nitrites such as are found in bleached flour and sometimes in decaying vegetation and in life. Nitrites, so far as the result of my personal investigation and experience has gone, are not constituents of living or fresh, healthy vegetables, no matter what kind they may be. I have examined the surface and interior of a large number of fresh vegetables purchased in the markets of the City of New Orleans and found that under no circumstances are nitrites present in the interior of the vegetable examined. In some instances nitrites are found upon the surface of a few of these vegetables and in the case of those vegetables having a natural pink color such as the radish, the beet and the pink portion of spinach, I find that the Griess-Ilosvay reagent gives apparently a reaction; but further testing of these colored vegetables shows that the coloring matter of them is soluble in acetic acid by itself. Inasmuch as the acetic acid is a component part of the above reagent, these tests should always be thrown out on these particular vegetables. Nitrites are found in all decaying vegetables and the presence of nitrites in a vegetable should decide against its use, inasmuch as their presence would be a positive indication of decay. The presence of nitrites on the rind or surface of vegetables is due to contamination by nitrites contained either in the soil or the water in which the vegetables are washed. Nitrites are not a constituent of animal food and are not found unless such food has been accidentally or purposely contaminated with nitrites, or unless the process of decay or decomposition has begun. Nitrites are not a natural constituent of sound wheat or of sound, unadulterated wheat flour. Nitrites are not the normal constituent of human saliva. To demonstrate this the saliva of some 80 individuals in various conditions of health and disease were examined and in all cases nitrites were present to a greater or less extent, but in the case of seven persons of both sexes and varying ages, in which the parotid glands were catheterized, it was found that the parotid secretions did not contain nitrites when uncontaminated from the mouth.

Three persons were also catheterized and the secretions from the sublingual glands were examined and found not to contain nitrites. These experiments go to show that nitrites are not a normal constituent of salivary juices, and are found in the mouth only as a result of the decomposition of organic matter, or from the partaking of food or drink containing nitrites. The amount of nitrites in the mouth seemed to depend upon the toilet of the mouth exercised by the individual, that is, the cleanliness of the mouth and the condition of the teeth and occur in the mouth as a result of the action of nitrifying bacteria. The general conclusion of the study made of fresh vegetables, fresh meats and animal secretions leads me to believe that nitrites are not a normal constituent or that nitrites are not found in any of these substances unless as a result of bacterial action, or unless they have been added thereto. In nature nitrites are produced from two sources, the most important source being the result of nitrifying bacteria upon organic matter containing nitrogen and the other principal source the naked electric spark, the Alsop Bleaching Process being an illustration of this last method. Nitrites occasionally occur in water and in judging of its wholesomeness, as an article for consumption, their presence is sufficient to condemn the water, in that it indicates active decomposition. Bleaching by the Alsop process adds to the flour poisonous or deleterious ingredients, namely, nitrogen peroxide, nitrous and nitric acids. The injurious effect of these added ingredients is in direct proportion to the amount of nitrogen peroxide added to the flour and of course to the amount of the flour consumed. The effect of nitrogen peroxide is, generally speaking, to impair the digestibility of the bread; to tend to produce gastric irritation and for the nitrogen peroxide to form a definite chemical combination with the hemoglobin of the blood which acts to bind the oxygen contained in the blood so tightly to the hemoglobin that it is no longer available and therefore it circulates through the system as a foreign substance, thereby diminishing the functioning capacity of the blood in direct proportion to the number of molecules of peroxide of nitrogen in combination with a certain definite number of molecules of hemoglobin, the injury to the oxygen-carrying capacity of the blood being in direct proportion to the amount of nitrous acid ingested.

In addition to the foregoing testimony depositions taken before William W. Gregg, United States Commissioner for the Eastern District of Pennsylvania at Philadelphia, Pennsylvania, and before Charles K. Darling, United States Commissioner at Boston, Massachusetts, were introduced on behalf of libellant, in effect as follows:

Dr. JOHN MARSHALL, Philadelphia, Pennsylvania; Professor of Chemistry and Toxicology in the Medical School of the University,

of Pennsylvania; received chemical training at Pennsylvania College; graduate of Medical School of the University of Pennsylvania; subsequently studied physiological chemistry in Germany, receiving degree of Doctor of Natural Sciences from the University at Tuebingen, Germany:

I am familiar with nitrogen peroxide gas. Assuming that the treatment of flour by the Alsop Process adds to it nitrous and nitric acid, in my opinion, the flour contains added substances which are injurious to health for the following reasons: Nitrous acid has the property of acting upon the hemoglobin, or red coloring matter of the red corpuscles of the blood, converting the hemoglobin into a substance called methemoglobin, which is a combination of hemoglobin and oxygen in which the oxygen is so firmly combined with the hemoglobin, although in the same proportion in which it is in combination in the oxyhemoglobin of the blood, that the vital processes of the body are unable to separate this oxygen from the hemoglobin and make use of it in the oxidation of the tissues in order to produce energy and thus sustain life. It thus occurs that certain quantities of hemoglobin which should be employed in the system as a carrier of oxygen are rendered incapable of performing this function and as the vital processes of the body do not possess the property of separating this oxygen from the hemoglobin in combination as methemoglobin, there is thus a quantity of hemoglobin that is rendered inefficient and may no longer possess the function of carrier of oxygen to the tissues. This methemoglobin must in some way be removed from the blood circulation and this possibly occurs in the liver, which would increase to some extent the work of that organ.

Furthermore, as the quantity of hemoglobin capable of carrying the oxygen is diminished by the quantity of the hemoglobin which is converted into methemoglobin there must be diminished oxidation because of this less quantity of functional hemoglobin. In consequence of this it would be necessary for the system to be provided with new portions of hemoglobin to replace those portions which have been converted into methemoglobin and have been rendered inert as far as their use in the body is concerned, and thus the red marrow in which it is believed the red corpuscles of the hemoglobin are produced in adult life is put to greater functional activity in order to supply this increased demand. This applies particularly to nitrous acid. Nitric acid is also injurious because in the intestinal canal, by the action of bacteria, nitric acid is, in large part, reduced to the condition of nitrous acid which is absorbed. Absorption of the nitrous acid into the blood circulation takes place through the stomach walls and that which escapes absorption at this point will

enter the blood circulation through the walls of the intestines. In more detail as to the function of hemoglobin as a carrier of oxygen, as to the separation of the oxygen from the hemoglobin and as to the conditions which make such separation impossible when the hemoglobin is changed to methemoglobin the following facts are true:

The process of respiration in the animal body is practically a chemical process in which oxidation occurs. The oxidation does not occur as far as is known to the medical profession in the blood stream itself but occurs in the tissues and the oxidation is due to the separation of the oxygen from the oxyhemoglobin, which then combines with the tissue material, or food material, which is to be oxidized. The mechanism of the process is this: Man takes into his lungs air which contains oxygen. Venous blood—that is blood in which the major portion of the red coloring matter is present as hemoglobin—comes into the tissue of the lungs, and by a peculiar process air passes through this tissue and comes in contact with the hemoglobin of the venous circulation and the hemoglobin combines with the oxygen and forms oxyhemoglobin. The terminal end of the venous circulation is called venole; the terminal end of the arterial circulation may be called an arteric. They come in close apposition to each other, and as the blood passes into the lungs from the venous circulation oxygenation of the hemoglobin occurs, just as, for example, nitrous acid is brought into contact with a sodium salt and forms a sodium nitrite. For practical purposes it is all an oxide of hemoglobin. The oxyhemoglobin thus formed in the red corpuscles of the arterial blood passes then to the ends of the arteric system, which are in the tissues of the body, as, for example, the muscles,—and there the same condition of affairs exists as to position. The minute vessels of the venous and arterial systems come in fairly close apposition to each other, there being between their ends a mass of tissue in which the high powers of the microscope fail to distinguish any vessels. The red corpuscles containing the oxyhemoglobin from the arterial blood, pass through this mass of tissue to the venole—the venous circulation—and in doing so deoxidation occurs—that is, deoxidation of the oxyhemoglobin. In other words, the oxyhemoglobin in this mass of tissue gives up its oxygen for the purpose of oxidizing the mediums that are there to be oxidized to produce energy to sustain life. Carbonaceous material, carbon dioxide, is formed and is then carried in solution through the blood to the lungs and escapes in the air which is expired, and by insensible respiration through the skin, and is also given off by the urine. In this manner the oxyhemoglobin, oxygenated in the lungs, yields its oxygen to oxidize the materials to sustain life, and is reduced to hemoglobin. This hemoglobin passes through the venous circulation to the lungs where it is again oxygenated. Consequently, there

is a perfect cycle of oxygenation and deoxygenation. In other words, the same quantity of hemoglobin may serve as a carrier for an indefinite quantity of oxygen.

Nitrogen peroxide being a chemical entity or individual, has the same effect on the blood and health of the person, no matter how the entity is produced. The person in whose circulation it is introduced has had lessened the quantity of available hemoglobin that is capable of carrying oxygen to oxidize materials necessary to sustain life; has had more work put upon the liver, because the liver must get rid of this methemoglobin which is practically a foreign body in the blood circulation; and must have had produced by the red marrow of the bones, if an adult, a greater number of corpuscles, and hemoglobin therein contained. The word "adult" is used for the reason that in infancy red corpuscles and hemoglobin are produced in the spleen.

Of course, the amount of injury depends upon the quantities of nitrous and nitric acid ingested, but *any* nitrous acid causes the effects described in proportion to the amount taken. The effects may not be demonstrable experimentally if the amount is very small, but they are there just the same. Further, although the amounts are small, a continuous ingestion would result in a continuous production of methemoglobin. If the substances mentioned were ingested at various periods, there being a considerable interval between them, time would be permitted for the destruction of the methemoglobin and for the reformation of corpuscles and also for the reproduction of hemoglobin. Of course, the strong person could withstand the extra work on the system better than the weak person. But the natural and probable tendency of the daily consumption of food containing these ingredients would be the production of this methemoglobin in the manner described, and thus a lessening of the oxidative properties of the blood and increased work upon the liver and also upon the red bone marrow in which the red corpuscles and the red coloring matter in the hemoglobin are produced. The process being a chemical one, the chemical reaction occurs to the very end—practically to infinity, and therefore the amount of injury is merely a matter of degree.

Nitrous and nitric acids, to the best of my knowledge and belief, are not natural to flour. Nitrites frequently occur in the saliva of human beings. Their presence, in my opinion, may be accounted for by reason of certain bacterial action. The mouth is a favorable culture ground for bacteria. They are present there in great numbers, and certain bacteria at least have an action on nitrogenous organic matter so as to produce nitrites. The quantity found in the saliva varies. From this fact, and from the fact that bacterial action is continually in progress and also from the fact that the air contains a very slight

percentage of nitrous acid, and in breathing this air is brought into the mouth, I am inclined to believe that nitrites are not a normal constituent of the saliva. In any event, inasmuch as all nitrites have the same action, the nitrites in the saliva, to the extent that they are present there, have an injurious effect upon the system when swallowed, the same as any other nitrites.

The inevitable tendency or effect of the addition of nitrites to food made in whole or in part from wheat flour is to endanger the health of individuals. The general health of a person who is not robust will be more affected than the general health of a robust person.

Dr. ALFRED STENGEL, of Philadelphia, Pennsylvania; practitioner and Professor of Chemical Medicine in the University of Pennsylvania; has served as Director of the William Pepper Laboratory of Clinical Medicine; is the editor of the American Journal of Medical Sciences; a member of the Association of American Physicians, of the American Medical Association, and of a number of other medical bodies; a writer of text-books and a large contributor to medical literature:

If it be assumed that the bleaching of flour by the use of nitrogen peroxide gas forms in the flour equal quantities of nitric and nitrous acids, which acids, either free or combined, remain in the flour, or in the bread or other food products made therefrom, it is my belief that there is in these products an added poisonous and deleterious ingredient, without regard to the manner of producing the gas and without regard to the method of its application to the flour. It is my belief that the natural and probable tendency or effect of the consumption of bread, or other foods made from the flour, containing such additions of nitrous acid, free or combined, upon the health of persons consuming it, would be towards several deleterious effects, as follows: First, disturbances of digestion and injurious effects upon the gastro-intestinal tract; second, injurious effects upon the blood and the mechanism that makes new blood; third, effects upon the muscular tissues throughout the body, probably including the heart muscles, all of which effects are injurious. I believe that this injurious tendency will necessarily attend the daily and regular consumption of such food, and that the tendency will exist no matter how small the amount of nitrite ingested. Nitrous acid is a poisonous substance in solution, and in the process of digestion of food containing nitrous acid or a nitrite, it is my opinion that nitrous acid would go into solution and would have a poisonous effect in the three respects already described.

I would define a poison as a substance which, if taken into the body, is capable, through its direct action, of exercising deleterious influences. The fact that such substances may be ingested in the body in such minute quantities as not to cause appreciable, discoverable

effects does not remove such substance from the class of poisons, in my opinion, since it merely indicates that human ingenuity has not yet devised a way of seeing the immediate effects. As an illustration of my opinion upon this subject, I would cite the poison known as tetanus-toxin. It is my opinion that no matter how much a solution of tetanus-toxin may be diluted, and no matter how small a volume may be ingested into the system, the ingestion of such substances will have a deleterious effect upon the system, even though the detection of such effect may be beyond human ingenuity. In my opinion, nitrites are a poison according to this definition. The fact that corned beef, ham, and other food products contain nitrates and nitrites does not alter my opinion that the addition of a poison, such as nitrite or nitrous acid, to a food product is likely to have a deleterious influence. I believe that the fact that nitrites are commonly ingested into the body is no argument that they are not injurious to health, because it is well known that there are constantly formed in the human body substances which doubtless represent the beginning of decay. Although these are found in the body, they cannot be assumed to be harmless, and to add to their number from the outside would, in my opinion, increase the injurious substances to which the body is subjected. In my opinion, the fact that physicians administer nitrites as medicine does not justify the addition of nitrous acid, free or combined, to a food made from flour any more than the use of strychnine as a medicine would justify its addition to a food. Strychnine is a valuable medicine and is constantly employed by physicians, but its addition in small quantities to a food which is eaten regularly would, in my opinion, have a deleterious effect. I believe the fact that nitrites occur in human saliva does not indicate that they are not injurious to health, even in very small amounts, and does not justify the addition of more nitrites to a food product and especially to a product which enters into such universal and daily consumption as does flour.

Dr. JOHN H. MUSSER, of Philadelphia, Pennsylvania; graduate of the University of Pennsylvania; connected with hospitals and medical schools since 1877, and at present Professor of Clinical Medicine at the University of Pennsylvania:

It is my opinion, assuming that the bleaching of flour with nitrogen peroxide leaves nitrous and nitric acids, either free or combined, in the flour so treated, and in the bread made from such flour, that there remains in the flour and the bread made therefrom an added deleterious ingredient, namely, some form or combination of nitrous acid with other material. The use of food containing nitrous acid in some form would have the following tendency or effect on the health of persons daily consuming such food: First, a local irritating effect

on the stomach and intestines, and, second, the general systemic effect which is known to follow the use of nitrates and nitrites, that is, the effect on the circulation of those combinations influencing blood pressure and acting on the blood. The effect of the regular and frequent ingestion of food containing nitrites in small amounts would be the gradual impairment of health, as the digestive apparatus is affected and as the circulatory apparatus is affected and as the blood and secretions are affected.

Nitrous acid in solution is a deleterious substance and nitrites in water solution are poisonous or injurious to health. From the effects of the administration of nitrites for other reasons I would infer that nitrous acid, free or combined, which remains in the bread would be taken into solution while the bread was in process of digestion in the stomach or the digestive canal; and further, that the tendency to affect health would be the same, differing only in degree in the case of a small quantity as compared with the tendency or effect in the case of a large quantity. The effect of such a substance as nitrites might be injurious even when the effect is not demonstrable experimentally or observable by a physician but it could probably be demonstrated if the examination were extended over a long period of time. The fact that the amount of nitrites taken into the human system by eating bread made from bleached flour is exceedingly minute would have no effect as to their deleterious nature except as to degree, it being common knowledge that the effect of nitrites is a chemical reaction which is the same whether given in large or small amounts; that is, if this chemical reaction is harmful at all, it is harmful in a minimum amount.

I have prescribed sodium nitrite as a medicine in doses of from one-tenth to one-fourth of a grain, extending at times over several weeks, but the fact that nitrites are frequently given in medicine in no way justifies their addition to any food product entering into daily consumption. In the administration of nitrites as medicine it is frequently necessary to decrease the dosage or to discontinue its use because of headache, but on the other hand, it is sometimes necessary to increase the dose, so that I cannot say that sodium nitrite has a cumulative effect.

The fact that nitrites may occur in various natural or artificial meat and vegetable food products does not have any bearing upon this subject as the effect upon the person consuming such food products would always be deleterious in so far as the nitrite content is concerned. I would advise against the use of such products in all cases irrespective of the quantity of nitrite, provided they were to be taken regularly and systematically as I assume bread is taken.

I believe the nitrite content of human saliva is not a normal constituent, but is a result of bacterial action and may be regarded as an

impurity. Even if it be assumed true, that nitrites are always present in human saliva, in greater or less amount, this fact in no way justifies the addition of more nitrites to the system by the use of nitrogen peroxide as a bleaching agent for flour. The system may develop what is termed "tolerance" to the nitrites contained in the saliva, that is, anything which is taken into the organism, as long as it develops no appreciable or observable effect may be said to be tolerated by the system. But an effect is undoubtedly produced by everything which is taken into the system and we cannot tell when we will overstep this limit of tolerance and produce an observable poisonous effect.

The air after a thunderstorm contains traces of nitrogen peroxide and certain individuals are very seriously affected by thunderstorms and after thunderstorms. In the case even of a normal human being, while it is impossible to live without air, the economy of nature may be faulty when it puts too much nitrite in the air.

In short, I believe the addition of a deleterious ingredient to any food product cannot be justified on the theory or assumption that tolerance may be developed by those who consume the food. It is true there are a great many foods which can be fed to a person in normal health but cannot be fed to sick persons and infants without deleterious results. As a physician, therefore, I would condemn any process of treating flour which introduces into flour such poisonous products as nitrites.

DAVID L. EDSALL, of Philadelphia, Pennsylvania; graduate of the University of Pennsylvania; a practitioner of 15 years experience and at present Professor of Pharmacology and Therapeutics in the Medical School of the University of Pennsylvania:

If flour bleached with nitrogen peroxide contains after treatment and as a result thereof nitrous and nitric acids, either free or combined, which acids, either free or combined, remain wholly or in part in the bread, or other food products made therefrom, it is my belief that such flour, and the bread or other food products made therefrom, would contain an added poisonous and deleterious ingredient. I believe that the probable effect upon the health of persons daily or regularly consuming such foods would be detrimental, in that the nitrous acid present would have a tendency to cause disturbance of digestion, to cause changes in the blood and in the circulatory organs, these changes being those ordinarily produced by the administration of nitrites. If nitrites were administered in considerable quantity, the effect would be to cause death within a short period, while in small quantities the effect would be to produce disorders of nutrition, such as commonly result from gastritis, to weaken and impair circulation, and to destroy the functioning capacity of a

portion of the hemoglobin of the blood. Nitrous acid in water solution is a poisonous substance, and if nitrous acid, free or combined, remained in the bread made from flour treated with nitrogen peroxide gas, that nitrous acid would be taken into solution during the process of digestion, and, in my opinion, would have a tendency to interfere with the proper processes of digestion. On the one hand, in my opinion, it might impair the secretion of digestive juices in such manner that digestion would not be carried on properly. On the other hand such nitrous acid might enter into combination with certain constituents of the food itself in such manner as to render such food less capable of being digested by the ordinary digestive processes. In my opinion, the addition of such injurious substances to food may be injurious to health, even when the quantity ingested is so small that such injury cannot be demonstrated experimentally. There are numerous substances that are well known to produce deleterious results when taken over long periods of time in small doses, when similar doses in experiments upon human beings or animals, carried out for the usual periods of experimentation, produce no recognizable bad results. It is my belief that the deleterious results due to nitrites in foods made from flour containing nitrogen peroxide would be the same in all cases, differing only in degree without regard to the quantity of such substance contained in the flour or in the food made therefrom.

I have frequently prescribed nitrites in my practice for a variety of conditions, most frequently for conditions in which the blood pressure is pathologically elevated. The observable effects are to cause reduction of blood pressure and to irritate digestion, the latter effect making the administration of the drug impossible in many cases. In my opinion, it is impossible to demonstrate the least amount of nitrite that will produce physiological effects upon the system. In my experience, however, I have observed one case in which a disturbance of the stomach was produced by the administration of a single dose of one-eighth grain of nitrite. In this case the patient was under my care for a week previous to the administration of said dose, was in a hospital ward under careful observation, and had not received any other substance which, in my opinion, could have produced such irritation. It is my belief that the fact that nitrites are used in medicine does not modify in any way the fact that nitrite added to food products made from flour may be and does tend to be injurious to health. It is entirely proper to administer nitrite as a medicine for the same reason that it is proper, at certain times, to administer other poisons for the purpose of producing certain effects in pathological conditions, but it is not proper to administer harmful substances for any other purpose than to control the effect of disease.

I am aware that nitrites occur naturally in certain food products and believe that, insofar as they do so occur, they are injurious to health. The fact that such foods as ham and corned beef contain nitrites in no way modifies my opinion as to the injurious properties of nitrites in food. I know that it is commonly stated in literature that nitrites are present in the saliva because of bacterial agencies, and believe that such nitrites are injurious to health in proportion as they find their way into the system. It is my opinion that physicians and physiologists generally believe that the poisonous substances found in the body are among the causes that impair health and ultimately cause death. It is my belief that the fact that nitrites occur in human saliva in varying amounts does not justify the addition of more nitrites to the human system through the addition of nitrogen peroxide to flour.

Dr. OTTO FOLIN, of Boston, Massachusetts; Professor of Biological Chemistry in Harvard Medical School; graduate of the University of Minnesota and of the University of Chicago; studied at universities in Sweden and Germany; was Professor of Analytical and Physiological Chemistry in the University of West Virginia, and research chemist in the McLean Hospital of Massachusetts; has contributed numerous papers to scientific journals and is a member of numerous chemical and biological societies:

In my opinion, when flour is treated with nitrogen peroxide gas, there would, in all probability, be formed nitrous and nitric acids. In addition, a portion of the gas would be absorbed and probably would not at once be converted into those acids, but such conversion would, in my belief, gradually take place. The result of treatment of flour with nitrogen peroxide would, in my opinion, be a bleaching of the coloring matter and combination of the nitric acid with the amine groups of the protein of the flour. There would probably be other changes, as, for instance, the formation of diazo compounds with the protein.

It is my belief that nitrogen peroxide added to flour would be injurious to health, and if nitrites enter into combination with the oil or fat of the flour, such compound would, in all probability, carry the nitrous acid through the stomach, through the intestine, into the blood, and from the blood into the tissues, since fats which have such added side groups are probably absorbed directly. It is my opinion, therefore, that such fats would probably be transported to various parts of the organism, where they would be oxidized and the nitrous acid set free in different parts of the body. The nitrites so set free would have the same effect as any other nitrite deposited in the same place, or possibly would be even more effective because of the nascent

condition of the nitrites so liberated. It is my opinion that the nitric acid resulting from the treatment of the flour with nitrogen peroxide would probably partly form nitrates and partly react with the proteins and form nitro-compounds. These, by bacterial action, would probably produce nitrites in the digestive processes. I believe that the effect of nitrites, if they remain in the bread, is injurious to health, their toxicity being in proportion to their amount, except that in the case of very small amounts, the toxicity would be probably greater than corresponding to the amount, that is to say, one molecule, in my opinion, might be more toxic in proportion than a very large number of molecules. The toxic effect would result, in my opinion, from the well-known production of methemoglobin by which the blood loses its power to carry oxygen to the extent to which methemoglobin is formed.

In addition, methemoglobin must be looked upon as an encumbrance to the system, since it is essentially a foreign substance that must be removed. It is my opinion that in flour bleached with nitrogen peroxide the food value of the proteins would be diminished by reason of the effects of nitrous and nitric acids on those proteins, and probably by reason of the formation of nitro diazo and nitroso groups in such proteins, they would not only become less valuable as foods, but also possibly deleterious. This opinion is based on the following reasoning: When nitrogen peroxide comes in contact with small amounts of moisture in the flour, it is probably converted into nitrous and nitric acids. Formed under these conditions, I believe that nitric acid would be very effective in combining with proteins and therefore can give rise to the formation of nitro-compounds. Nitrous acid similarly formed, I believe, would react with the amino groups in the proteins, and, as the result of such action, there is probably formed some diazo compounds and some hydroxyl groups in place of the original amino groups in the protein molecule.

Dr. AUGUSTUS H. GILL, of Boston, Massachusetts; Professor of Technical Analysis at the Institute of Technology, Boston, Massachusetts, of which institute he is a graduate; studied at Leipsic, Germany; has held the position of Water Analyst for the Massachusetts State Board of Health; is a member of the Committee of the International Association for Testing Materials; of two committees of the American Society for Testing Materials, and of the Committee of the American Chemical Society for the analysis of oils; has made special investigations for the State of Rhode Island on the action of gas, tar, and oil upon shellfish and for the State of Massachusetts upon the utilization of dogfish and the production of oil from the dogfish; has been retained in a number of cases which involved

phases of the oil or fat industries, and contributed numerous articles to scientific journals:

I have made a study of the effect of nitrogen peroxide upon flour and of certain changes which are produced thereby, giving particular attention to the effect of nitrogen peroxide upon the fat or oil of the flour. The flour used in this work was not commercially bleached, but was obtained unbleached and bleached by me in the course of my investigation. Before bleaching the flour had a rich, creamy color, but after bleaching was dead white. One kilogram of this flour was placed in a gallon bottle and 40 cubic centimeters of nitrogen peroxide gas were added. The bottle was then shaken and allowed to stand 24 hours with two more shakings. The nitrogen peroxide practically disappeared on the first shaking, and the subsequent shakings were for the purpose of making sure of complete absorption and to secure uniformity of the sample. The sample thus treated was found to contain 5 milligrams per kilogram of nitrogen as nitrites in a water soluble form as tested by the ordinary nitrite test. The flour before treatment was free from nitrites. The fat was then extracted from the flour by boiling for one hour in a water bath with distilled petroleum ether, filtering and distilling off the ether from the oil. Blanks were again run on the reagents employed. The fat thus extracted was then examined. It was found that a portion of the fat, that is to say, the olein, had been converted into a solid isomer elaidin, and that the nitrogen content of the fat was one and two-tenths milligrams of nitrogen as nitrites per kilogram of the fat. No change in this content was noted after heating for half an hour at 100° C., this being the average length of time and about the temperature to which bread is exposed in baking.

The iodine number of the oil extracted from the flour before bleaching was 101.5, whereas the iodine number of the oil extracted from the flour after bleaching was 98, thus demonstrating that the treatment of the flour with nitrogen peroxide reduced the iodine number of the oil of the flour. The free acid (calculated as oleic) of the oil of the flour before bleaching was 5 per cent, whereas the oil of the flour after bleaching contained 8.5 per cent of free acid. The lowering of the iodine number in this case was due, in my opinion, to the addition of the fat of some other substance, such as oxygen, hydroxyl, another halogen, or nitrogen peroxide. I further found that nitrogen peroxide was combined with this oil in such a manner that it could be separated by washing with a dilute solution of potassium hydrate. Since the nitrous acid thus combined with the fat was not driven off by heating for one-half hour to approximately the temperature at which bread is baked, it is my opinion that it would not be driven off in the baking of the bread, nor do I believe that it would be liberated

in the preparation of the flour in the doughing process. The elaidin formed in the bleaching of the flour is a solid substance of more strongly acid nature than olein, the compound from which it is made. This substance, elaidin, or rather elaidic acid, I isolated from the fat and identified. In my opinion, the bleaching of flour with nitrogen peroxide diluted with air adds to the flour a deleterious and poisonous ingredient, namely, nitrous acid, either free or combined. I believe that the amount of such substance added and the method of addition are immaterial, the effect depending solely on the presence of these compounds in the flour.

WILLIAM F. BOOS, Jamaica Plain, Massachusetts; a practicing physician and pharmacologist; chemist of the Massachusetts General Hospital; graduate of Harvard University and of Heidelberg; served as Medical House Officer for the Massachusetts General Hospital, and was employed as research student and as assistant to the head of the Pharmacological Institute at Strasburg:

I am familiar with nitrogen peroxide. It is a heavy gas, and has a suffocating odor and a very irritant action on the mucous membranes of the esophagus and trachea. It is a decidedly poisonous gas. It will act as a corrosive agent on iron apparatus about the laboratory to such an extent as to be destructive.

If wheat flour is treated with a gaseous medium composed of nitrogen peroxide diluted with air, the action of the nitrogen peroxide gas would be one of bleaching, which, however, would be dependent upon the presence of a certain amount of moisture, the nitrogen peroxide gas combining with this moisture to produce equal molecular parts, that is to say, one molecular part each of nitrous and nitric acids, the nitrous acid then acting as a bleaching agent to produce a white color in the flour. In ordinary flour there is about 12% of moisture and in bread about 30% on the average. Nitrogen peroxide gas diluted with atmospheric air coming into contact with water or moisture of ordinary wheat flour would have exactly the same chemical reaction as in any case where nitrogen peroxide comes in contact with water, that is to say, there would be a union of the water and nitrogen peroxide with the production of one part of nitrous and nitric acid. Such treatment results in the addition to the flour of deleterious ingredients, namely, nitrous and nitric acids, and their salts. The effect of such added nitrous acid or nitrates would be an injurious one to the system. The nitrates or nitrous acid develop a number of effects upon the organism as follows:

Locally, the nitrates, by being transformed into nitrous acid in the stomach, might produce and do produce a local irritation. After absorption from the gastro-intestinal canal, the nitrates produce specific actions in the organism—the first and earliest one of which

is the production of a dilatation of the superficial blood vessels of the face, neck and chest, as also the blood vessels of the brain meninges. As a result of such dilatation there is a flushing of the face, throat and chest, a feeling of fullness in the brain, and a throbbing of the temporal arteries, which is very evident to the person affected. The next phase of the question is an increase in the pulse rate—that is, the pulses are very much quickened,—then there is a falling blood pressure which becomes more and more pronounced as the action of the nitrite is continuous. At this time there is, in all cases, a slight narcosis evident. People affected, or animals affected, will sway and fall, and perhaps go to sleep from the effect of this narcosis. Then if the nitrite is continued, and even in the smallest quantity, there is a tendency of combination between the nitrite and the red coloring matter of the blood, known as hemoglobin, with the formation, as a result, of a new coloring matter called methemoglobin. This methemoglobin is entirely different in its chemical behavior from hemoglobin. Whereas hemoglobin has the property of taking up oxygen from the atmospheric air in the lungs, and passing this oxygen on to the tissues where it is required to carry out the purpose of the physiological economy, methemoglobin cannot take up oxygen, and of course, in consequence of this, can't perform the office which hemoglobin is supposed to perform in the organism. In consequence of this we have air hunger or oxygen hunger, very difficult respiration, and when death occurs as a result of nitrite poisoning, it is due to a transformation on a large scale of hemoglobin into methemoglobin, with consequent asphyxiation.

The tendency of all nitrites remaining in the bread, either those soluble in water or those combined with the oil and insoluble in water, would be as above described, the amount of this effect but not its nature depending on the amount of the nitrite ingested. In other words, nitrites act as such even in the smallest quantity and the impairment of health would be there, even when this small quantity is ingested and would be in proportion to the amount of the substance taken into the system. I consider a poison to be a substance which, by virtue of its chemical constitution, produces certain changes in the morphological, chemical and molecular composition of the organs, these changes leading to disturbances of function in the organ or organs affected. There are substances whose injurious effect depends on the quantity and there are other substances or poisons the direct or necessary effect of which is poisonous in character without regard to the question of quantity. Nitrites belong to this latter class. Nitrites are sometimes found in the human saliva produced by the action of bacteria in the interior of the mouth but they are not normal constituents of the saliva of healthy persons. When the

nitrates of the saliva are swallowed with the food, I consider that they are injurious to health to the extent in which they are thus ingested. There is under my observation at the present time in the Massachusetts General Hospital a patient who is suffering from chronic nitrite poisoning as the result of the inhalation of amyl nitrite. The patient has developed marked cyanosis. The amyl nitrite was administered in individual doses which would not produce cyanosis and the symptoms that have been developed are evidence, to my mind, that the toxic effects of nitrates or nitrites would be least in a person in the very best of health and would be most marked in children or persons who are not enjoying good health. Appreciable injuriousness might result to the young and weak whereas appreciable injuriousness might not result to the well adult under the same conditions of administration. The injury suffered is dependent upon the power of resistance of the subject taking the nitrite.

Dr. ROBERT L. EMERSON, Boston, Massachusetts; graduate of Harvard University with degrees of Bachelor of Arts and Doctor of Medicine; studied at Strasburg and Berlin; was instructor in physiological chemistry at Harvard Medical School; at present engaged in medical and analytical work in toxicological and medical legal work; has written on legal and medical toxicology; and assisted in writing the second volume of Warton & Stille's Medical Jurisprudence:

Assuming that flour is bleached by treating it with a gaseous medium composed of nitrogen peroxide diluted with air, some of the nitrogen peroxide would probably be held mechanically enclosed within the flour itself while some of it would be adherent and combined with the various ingredients of the flour, namely, the gluten and the oil. With the moisture that is ordinarily in flour the nitrogen peroxide would be split into the so-called nitrous and nitric acids. I believe that in the treatment of flour with nitrogen peroxide the nitrogen peroxide or the nitrous acid would unite chemically with the flour, producing a nitrite or a nitroso-compound. This nitrite or nitroso-compound would be a poisonous additional substance which would produce an injurious effect upon the blood or upon the system. Nitrogen peroxide at very low temperatures would be a liquid. At slightly higher temperatures it is a gas with a light yellow color, varying to a yellowish brown and at higher temperatures a reddish brown color. It is heavier than air, has a suffocating disagreeable odor and is very irritating to the mucous membrane. It is a poisonous gas. Nitrous acid is, strictly speaking, a hypothetical acid and exists only in solution in water and has a hypothetical formula of  $\text{HNO}_2$ . We know of its existence and have a right to assume that there is such an acid from its formation of salts from

bases. In the case of blood such compounds interfere with the normal functions of the blood as they tend to deprive it of its oxygen carrying power, and thus reduce the system's strength to ward off disease. They would also interfere with the normal functions of the organs of the body and thus be poisons.

Nitrites act on the blood to form methemoglobin and the effect of this is to prevent the blood from receiving oxygen through the lungs and carrying the oxygen to the tissues. This effect is the same, differing only in degree, no matter what the amount of nitrites. If nitrous and nitric acid are introduced into flour by the bleaching process, nitrates will be formed and they undoubtedly would remain in the bread. The nitrates remaining in the bread may become changed to nitrites after being taken into the stomach. In my opinion, such a change would actually take place by bacterial action. Nitrites so produced would have the same effect as nitrites originally ingested with the bread. Further, any nitrite which may be combined with the oil would have the same effect as a soluble nitrite so that assuming the bleaching process introduces these nitrites and nitrates into the flour and that these nitrites and nitrates remain in the bread, there are these three sources of nitrites in the course of digestion, first, that portion soluble in water, second, that portion which would be produced by bacterial action on the nitrates, and third, the nitrites of the oil which are insoluble in water. The effect of the nitrites from these three sources would be the same on the blood and the system.

On March 15, 1910, the court rendered its decree of condemnation and forfeiture in form and substance as follows:

UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF LOUISIANA.

UNITED STATES OF AMERICA, *Libellant.* }  
vs. } No. 14173.  
420 SACKS, ET AL. OF FLOUR. }

This cause came on before me for hearing on the 19th day of February, 1910.

Messrs. Pierce Butler, Asst. Attorney General of the United States and Charlton R. Beattie, U. S. District Attorney appeared for Libellant.

There was no appearance on said day for the Aetna Mill & Elevator Company, owner of said flour, and the claimant herein.

And it appearing from the files, records and proceeding herein that a libel for the seizure and condemnation of a car load of flour consisting of 16 bales of 24 lb. sacks, 16 bales of 12 lb. sacks, 420 98 lb. sacks and 20 barrels of flour shipped from Wellington, Kansas, to, and into the State of Louisiana, was filed July 31st, 1909; that a warrant of seizure was duly issued and said flour was pursuant thereto duly seized by the Marshal while the same was within the jurisdiction of this Court and being transported from Wellington in Kansas to New Orleans in Louisiana, for sale, and while it remained unloaded, unmoved and in original unbroken packages; That the Aetna Mill and Elevator Company of Wellington, Kansas, duly appeared in said cause on August 11th, 1909, and thereafter, on October 1st, 1909, duly filed its answer to the libel herein,

which answer, on the application of claimant, was pursuant to order of court duly withdrawn and claimant thereafter filed exceptions to said libel—which exceptions were after argument and due consideration overruled, and thereafter the court fixed a time within which the said claimant might make and interpose its answer to said libel; That said claimant refused and omitted to make or interpose any answer to the libel herein within the time so fixed and allowed by the Court, or at all, and claimant having, by its proctors, in open court, declared that no answer would be made by it to the libel herein and all delays allowed by law having elapsed, and no other person having appeared to claim the property seized herein, or any part thereof, this Court duly ordered, adjudged and decreed that said Aetna Mill and Elevator Company and all other persons interested in the flour so seized, be, and it—the said Aetna Mill and Elevator Company was—and they were duly pronounced to be in contumacy and default, and the said libel was duly adjudged to be taken pro confesso against the said Aetna Mill and Elevator Company and all persons interested in said flour seized herein, and that the Court proceed to hear the cause ex parte. And it was duly ordered that the cause be referred to Frank H. Mortimer, Commissioner, to take testimony herein and report the same to the Court; That said Commissioner has duly taken the testimony offered in behalf of said libellant, the United States of America, and has duly reported the same to the Court.

Now, after due consideration and upon all of the testimony, records, files and proceedings herein,—

The Court finds; that there is testimony and evidence tending to prove the allegations of the libel, and accordingly,

That all of the flour described in said libel was and is liable to be proceeded against in this Court and seized, condemned, confiscated and destroyed as adulterated and misbranded and deleterious food within the meaning of the Food and Drugs Act, approved June 30th, 1906, in this, to wit: that all of said flour was, by the claimant herein, the Aetna Mill and Elevator Company, before shipping the same from Kansas into Louisiana, bleached and whitened by treating all of the same by a process known as the "Alsop Process" whereby and by means and reason thereof

(a) A substance known as "nitrites" has been and is mixed and packed with said flour so as to reduce and lower and injuriously affect its quality and strength;

(b) That said flour was and is mixed, colored and stained in a manner whereby damage and inferiority is concealed;

(c) That said flour contains added poisonous and added deleterious ingredients, to wit: nitrites, which renders the same injurious to health.

And that said flour was and is misbranded within the meaning of said act, in this, to wit:

(a) That it was offered for sale under the distinctive name of another article,—that is to say, the said flour was offered for sale as "High Patent Flour," whereas, in truth and in fact, it was inferior to "Patent Flour" and was a mixed flour consisting of "Straight Flour" mixed with "Clear Flour."

(b) That it was labelled and branded so as to deceive and mislead the purchaser, that is to say, each of said sacks and other packages containing said flour was labelled and branded in substance as follows: "Aetna Mills—Aetna Silk—High Patent—Aetna Mills and Elevator Company, Wellington, Kansas" whereas in truth and in fact none of said flour was "Patent Flour," but, on the contrary, all thereof was and is a mixture of straight flour made in July, 1909, out of a mixture of hard and soft new winter wheat, to which "Straight Flour" there was added and mixed a quantity of "Clear" old wheat flour, amounting to 15 or 20 per cent of said mixture.

It is therefore, ordered, adjudged and decreed that said flour (except that which has been released by order of Court), be, and all of same is hereby condemned and confiscated to the United States of America, as being a food adulterated, misbranded

and of a poisonous and deleterious character, and that all of the same be destroyed by the Marshal, and that the said libellant, the United States of America, have and recover of and from the Aetna Mill and Elevator Company, the owner and claimant herein, the costs and charges allowed by law.

NEW ORLEANS, LA. *March 15th, 1910.*

(Signed) RUFUS E. FOSTER,  
*Judge.*

This notice is given pursuant to section 4 of the Food and Drugs Act, June 30, 1906.

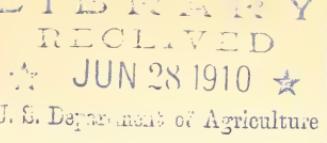
W. M. HAYS,  
*Acting Secretary of Agriculture.*

WASHINGTON, D. C., *May 9, 1910.*

[No. 382]







S. No. 437.  
F. & D. No. 1233.

Issued June 27, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 383, FOOD AND DRUGS ACT.

### ADULTERATION OF COFFEE.

On or about February 4, 1910, Thomas Roberts & Co., Philadelphia, Pa., shipped from the State of Virginia to the State of Pennsylvania, 1,100 bags of green coffee. Analysis of samples of this product, made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be apparently adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Pennsylvania. In due course a libel was filed in the District Court of the United States for the Eastern District of Pennsylvania against the said 1,100 bags of green coffee, in substance and form as follows:

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

UNITED STATES OF AMERICA                          }  
v.     }  
ELEVEN HUNDRED BAGS GREEN COFFEE,              }  
late in the possession of Thomas                    }  
Roberts and Company.                                } Libels for Condemnation. No. 5 of 1910.

To the Honorable, the Judges of the United States District Court, for the Eastern District of Pennsylvania:

The libel of the United States of America, by J. Whitaker Thompson, Attorney of the United States for the Eastern District of Pennsylvania, who in this case prosecutes on behalf of the said United States, as well as on behalf of all persons interested,

Respectfully Represents as follows:

1. This libel is filed by the United States of America in its own right and prays seizure for condemnation of a certain article of food, to wit: green coffee, as hereinafter particularly set forth, in accordance with the provisions of the

Act of Congress in such case made and provided, approved the thirtieth day of June, A. D. 1906.

2. Your libellant represents to this Honorable Court that in the city of Philadelphia, in the State of Pennsylvania and the Eastern District thereof, and within the jurisdiction of this Honorable Court, and in the possession of Thomas Roberts and Company (the names of the members composing the said firm of Thomas Roberts and Company, being to this libellant as yet unknown), at its place of business, to wit: premises located at 116 South Front Street, in the said city of Philadelphia aforesaid, is a certain article of food, to wit: green coffee, which had theretofore been transported from one State in the United States to another State in the said United States, to wit: from the city of Newport News, in the State of Virginia, to the city of Philadelphia, in the State of Pennsylvania, and Eastern District thereof, and being of the particular description following, to wit: eleven hundred bags, each of which said bags then and there containing about one hundred pounds of a certain article of food, to wit: green coffee.

3. Your libellant further represents that the said article of food, to wit: green coffee, so as aforesaid particularly described, is and was illegally held within the jurisdiction of this Honorable Court, and is liable to condemnation and confiscation as is provided in the said Act of Congress approved the thirtieth day of June, A. D. 1906, for the following reasons:

The said article of food, to wit: green coffee, hereinbefore described, was heretofore, to wit: on the fourth day of February, A. D. 1910, consigned by the said firm of Thomas Roberts and Company, at Newport News aforesaid, to the said firm of Thomas Roberts and Company, at its place of business, to wit: 116 South Front Street, in the city of Philadelphia, State of Pennsylvania, which said article of food, contained in the said eleven hundred bags, described as aforesaid, was transported by the Pennsylvania Railroad Company, from the city of Newport News aforesaid to the city of Philadelphia aforesaid, and which said article of food, to wit: green coffee, is and was as aforesaid in the possession of Thomas Roberts and Company, the said firm of Thomas Roberts and Company being then and there consignor and consignee as aforesaid, in the original unbroken packages, and which said article of food, to wit: green coffee, so shipped and transported as aforesaid, and being then and there for sale, is and was at the time of the said shipment and transportation and receipt thereof by the said Thomas Roberts and Company, consignee as aforesaid, adulterated within the meaning of the Act of Congress aforesaid, in manner following, to wit:

(a) The said article of food, to wit: green coffee then and there consisted in whole or in part of a filthy vegetable substance having a pronounced musty odor.

(b) The said article of food, to wit: green coffee, so shipped and transported as aforesaid, is and was at the time of the shipment and transportation, adulterated in that it then and there consisted in whole or in part of a filthy vegetable substance having a pronounced musty odor.

(c) The said article of food, to wit: green coffee, so shipped and transported as aforesaid, and received by the said Thomas Roberts and Company, consignor and consignee as aforesaid, for sale as aforesaid, is and was at the time of the said shipment and transportation as aforesaid, and at the time of the receipt of the same by the said Thomas Roberts and Company, consignor and consignee as aforesaid, for sale as aforesaid, adulterated within the meaning of the said Act of Congress as aforesaid by then and there consisting in whole

or in part of a filthy vegetable substance, having a pronounced musty odor, and being then and there unfit for food.

4. Your libellant further represents that all the matters above set forth are true; that the said article of food, to wit: green coffee, hereinbefore particularly described, so shipped and transported as aforesaid, and received by the said Thomas Roberts and Company, consignor and consignee as aforesaid, for sale as aforesaid, and being in the original unbroken packages as aforesaid, being in violation of the said Act of Congress, your libellant prays, in consideration of the premises:

1. That the said article of food, to wit: green coffee, particularly described in paragraph 2 hereof, and adulterated as aforesaid, may be proceeded against and seized for condemnation in accordance with the provisions of the Act of Congress approved the thirtieth day of June, A. D. 1906, and that to this end this Honorable Court may order the process of attachment to issue in the due form of law, and that the said Thomas Roberts and Company, consignor and consignee as aforesaid, and all other persons having or pretending to have any right, title, or claim in and to the said article of food, to wit: green coffee, above mentioned and particularly described, may be cited to appear herein and answer all and singular the premises aforesaid.

2. That by an appropriate order this Honorable Court may adjudge and decree that the said article of food, to wit: green coffee, so particularly described, be condemned at the suit of this libellant according to the provisions of the said Act of Congress approved the thirtieth day of June, A. D. 1906.

3. That this Honorable Court may make all such orders and may grant your libellant a decree for the costs of this proceeding against Thomas Roberts and Company, consignor and consignee as aforesaid, the owners or holders of the said article of food, to wit: green coffee, condemned, should such costs not be satisfied out of the proceeds of the same.

4. And that your libellant may have such other and further relief as the nature of the case may require.

On February 24, 1910, Thomas Roberts & Co. entered an appearance and filed their answer to the libel in substance and form as follows:

To the Honorable the Judges of the United States District Court for the Eastern District of Pennsylvania:—

Thomas Roberts Sr., George W. B. Roberts, William B. Montgomery and Thomas Roberts Jr., trading as Thomas Roberts and Company answering the said libel state as follows:

*First*—The respondents admit the facts stated in paragraph two of the libel.

*Second*—The respondents deny that the green coffee referred to in paragraph three of the libel is or was illegally held within the jurisdiction of this Honorable Court, and that the said coffee is liable to condemnation and confiscation as is provided in the Act of Congress approved June 30, 1906; and they further deny that the said coffee referred to in the said paragraph as in the possession of the respondents is or was adulterated within the meaning of the Act of Congress aforesaid; and they also deny that such coffee "then and there consisted in whole or in part of a filthy vegetable substance having a pronounced musty odor;" and they also deny as wholly and entirely untrue the allegation contained in Section (c) of Par. 3 of the libel, as follows: "The said article of food, to wit: Green coffee, so shipped and transported as aforesaid, and received by the said Thomas Roberts and Company, consignor and consignee as afore-

said, for sale as aforesaid, is and was at the time of the said shipment and transportation as aforesaid, and at the time of the receipt of the same by the said Thomas Roberts and Company, consignor and consignee as aforesaid, for sale as aforesaid, adulterated within the meaning of the said Act of Congress as aforesaid by then and there consisting in whole or in part of a filthy vegetable substance, having a pronounced musty odor, and being then and there unfit for food."

*Third*—Further answering said respondents say that the said eleven hundred bags of coffee were a part of the cargo of the steamer "Hamilton" on a recent voyage from New York to Norfolk, Virginia. A fire occurred on the said steamer and fresh water from a regular city fire plug in Norfolk was turned upon the said coffee and wet it. The respondents thereafter bought the coffee and proceeded to dry it by spreading it on the floor of a large warehouse in Norfolk. Finding that the coffee did not dry fast enough in this way it was transported to Newport News and there dried out in the dryer of a grain elevator. In this process some heat was applied and the coffee was in part roasted, and its color was changed. The process of drying in this way reduced the average bag of the said coffee from a weight of one hundred and thirty-two pounds to one hundred and twenty-two pounds so that the bags when removed from Newport News to Philadelphia contained ten pounds less moisture than the usual coffee of commerce. In the process of drying no coloring matter, adulteration or anything whatever was put in the coffee. The only change was in the discoloration caused by the heat, and in the loss of weight caused by loss of moisture. After the said coffee was removed to Philadelphia some of it was roasted under the inspection of one of the Federal Inspectors. Said inspector took samples before the coffee was put in the roaster and samples after the coffee was partly roasted, and after it was fully roasted. Liquid coffee was made from portions completely roasted and tested by experts who pronounced it equal to the average Santos coffee of high grade on the market. The respondents further aver that about thirty bags of coffee in the lot which they purchased never became wet. Samples were taken from these bags and also samples taken from the bags that had been wet and dried, and both class of samples were fully roasted and the drink made from both sets of samples showed no difference whatever. Respondents finally aver that the said coffee is good, wholesome coffee, has no foreign odor, is not musty, nor hidey, nor mouldy, and is not as averred in the libel, "a filthy vegetable substance having a pronounced musty odor."

And the respondents having fully answered pray that the libel in this case be dismissed.

ALBERT B. WEIMER,  
*Attorney for Respondents.*

Thereafter, on March 29, 1910, the following amendment to the libel was filed:

Be it remembered that J. Whitaker Thompson, United States Attorney for the Eastern District of Pennsylvania, who for the said United States in this behalf prosecutes in his own person, comes here into the said District Court of the United States for the Eastern District of Pennsylvania, on the twenty-ninth day of March, in the year of our Lord one thousand nine hundred and ten, and for the said United States of America files the following amendment and additional cause of forfeiture to the libel heretofore filed on behalf of the said United States in the above entitled cause, the said amendment and addi-

tional cause of forfeiture to be inserted at the conclusion of section (c), paragraph 3 of said libel, in the seventeenth line of page 4 thereof, as follows:

"(d) The said article of food, to wit: green coffee, then and there consisted and now consists wholly or in part of a decomposed vegetable substance, in that the said green coffee was and is wholly or in large part decomposed."

On the same date the defendant filed the following answer to the amended libel:

The Respondent, Thomas Roberts & Company in answer to the amended libel filed in this cause aver that it is not true as averred that "the said article of food, to wit: green coffee then and there consisted and now consists wholly or in part of a decomposed vegetable substance," wholly or in large part decomposed.

ALBERT B. WEIMER,  
*Attorney for Thomas Roberts & Company.*

On April 1, 1910, the case came on for hearing on the libels and answers and after hearing the testimony and argument, on April 14, 1910, the court rendered its opinion in substance and form as follows:

UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF PENNSYLVANIA.

UNITED STATES	}	No. 5, April Sessions, 1910.
v.		1100 BAGS OF COFFEE

LIBEL FOR FORFEITURE.

McPHERSON, *District Judge.*

This action, which is based upon the Federal Pure Food Act of 1906, sought to forfeit a large quantity of coffee on the ground that it was filthy, decomposed, or putrid. Defense was made by the claimants, Thomas Roberts & Company, and by agreement of the parties the issues of fact were tried before the court without a jury. Since the trial the case has been fully argued, and the Government then abandoned the charges that the coffee was either decomposed or putrid. This left for consideration the averment that the coffee was filthy, and upon this point I need only say, without discussing the testimony in detail, that in my opinion the Government has failed to sustain the burden of proof which rests upon it whenever it attempts to forfeit the property of a citizen.

I therefore find the issue of fact in favor of the claimants, and direct the clerk to enter judgment on this finding.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

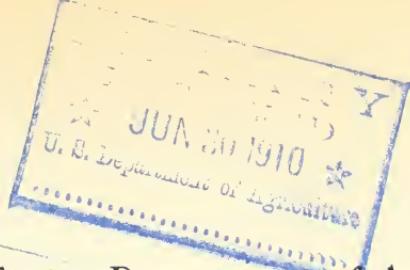
WASHINGTON, D. C., May 23, 1910.











# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 384, FOOD AND DRUGS ACT.

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### ADULTERATION AND MISBRANDING OF MAPLE SYRUP BLEND— “AUNT JEMIMA’S SUGAR CREAM.”

On or about April 2, 1909, Rigney & Company, Brooklyn, N. Y., shipped from the State of New York to the State of Missouri a quantity of a so-called maple syrup blend labeled:

“Aunt Jemima’s Sugar Cream A blend of rock candy and maple syrup creamed Dainty Desserts made from Aunt Jemima’s Sugar Cream a blend of rock candy and maple syrup creamed. Aunt Jemima’s Sugar Cream.”

“Aunt Jemima’s Sugar Cream. A delicious sauce for table use, pancakes, biscuits, waffles, puddings, etc. For layer cake it makes an excellent filler and icing. For icing cakes it should be slightly warmed by immersing can in hot water. If syrup separates to top of cream stir with table knife until uniform.”

Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture. As the findings of the analyst and report made thereon indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said Rigney & Company, and the party from whom the samples were purchased, were afforded opportunities for hearings. As it appeared after hearings held that said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Eastern District of New York charging the above shipment, and alleging that the product was adulterated within the meaning of the act because a substance, to wit, glucose, had been mixed and packed with it so as to reduce and lower and injuriously affect its quality and strength; and further alleging that the product was misbranded because it was labeled “A blend of rock candy and maple syrup creamed,” when, as a matter of fact, the

same was not a blend of rock candy and maple syrup creamed, but consisted of rock candy, maple syrup, and glucose.

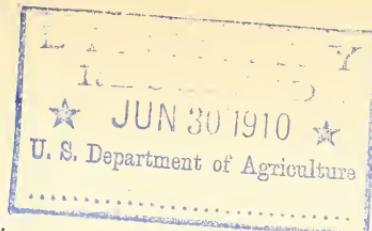
On March 29, 1910, the defendant pleaded guilty to the information and the court imposed a fine of \$100.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.





S. No. 403.  
F. & D. No. 1167.

Issued June 27, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 385, FOOD AND DRUGS ACT.

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### ADULTERATION OF WHITE OATS.

On or about December 15, 1909, the D. Rothschild Grain Company, Davenport, Iowa, shipped from the State of Iowa to the State of Arkansas, a carload of a food labeled "No. 3 White Oats." Analysis of samples of this product made in the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906, and it appearing from the findings of the analyst and report made that the shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Wisconsin. In due course a libel was filed against the said carload of white oats, charging adulteration of the product within the meaning of the act, because it consisted of 13 per cent. barley, 3 per cent. weed seed, and the balance white oats. Thereupon the D. Rothschild Grain Company entered appearance as claimants, and the case coming on for hearing, the court rendered its decree of condemnation and forfeiture, and ordered the goods to be delivered to defendant, upon their being labeled and branded "Barley mixed oats."

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.



46084—No. 385—10





Issued June 27, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 386, FOOD AND DRUGS ACT.

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### ADULTERATION AND MISBRANDING OF OLIVE OIL.

On or about September 14, 1909, George P. Calogera, of New York City, shipped from the State of New York to the State of Georgia a quantity of a food product labeled "Extra Superfine Olive Oil." Samples from this product were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said George P. Calogera, and the party from whom the samples were procured, were afforded opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York charging the above shipment and alleging that the product was adulterated, in that there had been substituted in part for the olive oil it purported to be a great amount of cottonseed oil, and that it was misbranded, in that the label on the can in which said product was shipped was false and misleading because said label indicated that the contents were pure olive oil, whereas, in truth and in fact, said contents were not olive oil, but olive oil mixed with a large proportion of cottonseed oil.

On April 4, 1910, the defendant entered a plea of guilty to this information, and the court imposed a fine of \$50.

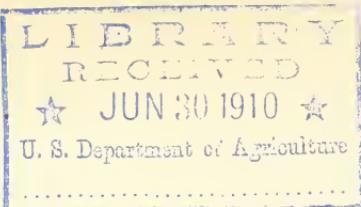
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.







F. & D. No. 207.  
S. No. 95.

Issued June 27, 1910.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 387, FOOD AND DRUGS ACT.

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#### MISBRANDING OF COFFEE.

On or about October 15, 1908, the C. F. Blanke Tea & Coffee Company, St. Louis, Mo., shipped from the State of Missouri to the State of Pennsylvania 300 cases of coffee. Examination of samples of this product made by the Bureau of Chemistry of the United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the above examination that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States Attorney for the Western District of Pennsylvania.

In due course a libel was filed in the District Court of the United States for the Western District of Pennsylvania against the said 300 cases of coffee, charging misbranding in that each of the retail packages was labeled on three sides thereof, "One Pound Net Weight Blanke Coffee Company Dutch Moka A Bourbon Blend Select Roasted Coffee" and on the fourth side thereof, in small type "This has no reference to arabian Mocha but as the name implies, is a perfectly balanced combination of fine old mellow varieties with choice Bourbon Santos which means Mocha Coffee transplanted in Santos, producing a cup at once rich, smooth and satisfying," which form of labeling was false, misleading and deceptive in that the product is represented to be Dutch Moka, which is evidently a corruption of the word "Mocha" and suggests that it is an oriental coffee, whereas, in fact, it is a Santos Coffee product.

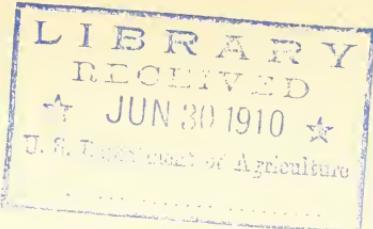
On November 11, 1908, the case came on for hearing and the court entered an order decreeing that the goods were misbranded and ordering that the said goods should be released to the owner thereof upon the payment of costs and the filing of a bond to be approved by the court, conditioned that they should not be disposed of contrary to the laws of the United States, or the laws of any State, Territory, District, or insular possession.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *May 23, 1910.*





I. S. No. 2602-B.  
F. & D. No. 1192.

Issued June 27, 1910.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 388, FOOD AND DRUGS ACT.

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#### ADULTERATION AND MISBRANDING OF TOMATO CATSUP.

On or about July 3, 1909, the Squire-Dingee Company, of Chicago, Ill., shipped from the State of Illinois to the State of Nebraska a consignment of a food product each cask of which was labeled "50 Squire Tomato Catsup Prepared with 1/10 of 1 per cent Benzoate of Soda. Squire-Dingee Company, Chicago." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report made that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the Squire-Dingee Company, and the dealer from whom the samples were procured, opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Northern District of Illinois charging the above shipment and alleging that the product was adulterated, in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance which rendered the article unfit for food, and was misbranded, in that it was labeled "Tomato Catsup Prepared with 1/10 of 1 per cent. Benzoate of Soda," which statement was false, misleading, and deceptive, and calculated to mislead and deceive the purchaser into the belief that the product was a catsup

prepared from clean, sound pulp of fresh, ripe tomatoes, whereas, in fact, it was not prepared as aforesaid, but contained filthy, decomposed, and putrid vegetable substances and a large number of bacteria and molds which rendered it unfit for food.

On April 15, 1910, the defendant entered a plea of guilty and the court imposed upon it a fine of \$50.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.



# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 389, FOOD AND DRUGS ACT.

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### ADULTERATION AND MISBRANDING OF VANILLA EXTRACT.

On or about February 20, 1908, the Charles L. Heinle Specialty Company, of Philadelphia, Pa., sold and delivered to the Merchants' Wholesale Grocery Company, of Philadelphia, Pa., a consignment of a food product each bottle of which was labeled "Heinle's Pure Vanilla" and the carton of which was labeled "Heinle's Pure Vanilla" and "Heinle's Extract." Thereafter, on January 20, 1909, the Merchants' Wholesale Grocery Company shipped the said product in interstate commerce from the State of Pennsylvania to the State of Delaware. Samples were procured from this shipment and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report made that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the Charles L. Heinle Specialty Company, the shipper, and the dealer from whom the samples were procured, opportunities for hearings. As it appeared after hearings held that there had been a violation of the act on the part of the Charles L. Heinle Specialty Company, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence on which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Eastern District of Pennsylvania against the Charles L. Heinle Specialty Company, alleging that the product was adulterated in that a solution of vanillin had been mixed and packed with the article in a manner to reduce, alter, and injuriously affect its quality and strength, and said solution of vanillin had been substituted in part for the genuine food product, and that said product was colored in a manner whereby its inferiority was concealed; and was misbranded, in that it was an imitation of another article, namely, vanilla extract, and was labeled "Heinle's

Pure Vanilla" and "Heinle's Extract," which form of labeling was false and misleading and tended to deceive and mislead the purchaser into the belief that the product was a pure extract of vanilla, whereas, in fact, it was not a pure extract of vanilla but an imitation extract prepared with vanillin and artificially colored in imitation of the genuine vanilla extract, and was further misbranded, in that the bottle containing the product bore a statement regarding the ingredients and substances contained therein as follows: "Manufactured from Pure Mexican Vanilla Beans Ground in Granulated Sugar and extracted with Water and Pure Grain Alcohol. Only enough Pure Grain Alcohol used to preserve it, making it a soluble Vanilla of the Best and Highest Quality," which statement was false and misleading in that it purported to represent that the product was substantially manufactured from Mexican vanilla beans, sugar, water, and alcohol, whereas, in fact, the product was not substantially manufactured from Mexican vanilla beans, sugar, water, and alcohol, but was an imitation product manufactured from vanillin and artificially colored in imitation of vanilla extract made from vanilla beans. The information further charged that at the time of the sale of the said article by the Charles L. Heinle Specialty Company to the Merchants' Wholesale Grocery Company and accompanying the said sale the Charles L. Heinle Specialty Company gave to the Merchants' Wholesale Grocery Company a signed guaranty to the effect that the said article was not adulterated or misbranded within the meaning of the Food and Drugs Act of June 30, 1906, which said guaranty was contained upon the face and made a part of the invoice covering said sale, and that the said defendant, at the time of making sale and delivery of this product, knew that the said article was likely to be sold in interstate traffic, and that by reason of the fact that the said product was adulterated and misbranded the interstate shipment thereof was unlawfully made, and that by reason of the guaranty given by said defendant it was amenable to the prosecution, fines, and other penalties which would attach because of the said unlawful interstate shipment.

On June 30, 1909, the defendant filed a demurrer to this information and on January 4, 1910, after hearing argument on the demurrer, the court rendered an opinion overruling said demurrer, in substance and form as follows:

**HOLLAND, D. J.**

This is a demurrer filed by the defendant to an information lodged against it by the District Attorney for the Eastern District of Pennsylvania for having sold an adulterated and misbranded article of food manufactured by it and in violation of the Ninth Section of the Pure Food Act of June 30th, 1906, executed and delivered a false guaranty to the effect that the merchandise sold was not adulterated or misbranded within the meaning of the Act. The dealer to whom

this adulterated and misbranded food was sold by the defendant and to whom the false guaranty was given, sold the same in interstate commerce, and upon the discovery by the Government officials that the article was misbranded, it is alleged the dealer who sold the same in interstate commerce established the guaranty of the defendant; whereupon this information was filed.

The defendant's demurrer alleges that the information sets forth no charge or offence for which the defendant can be convicted and punished under the Act of Congress, approved June 30th, 1906, because the Ninth Section, upon which the information is based, is unconstitutional. Under the Second Section of this Act the introduction into interstate commerce of adulterated or misbranded foods is prohibited, and any person violating this provision is guilty of a misdemeanor; subject to certain fines and penalties.

The Ninth Section is as follows:

"That no dealer shall be prosecuted under the provisions of this Act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer or other party residing in the United States from whom he purchased such articles, to the effect that the same is not adulterated or misbranded within the meaning of this Act, designating it. Said guaranty to afford protection shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines and other penalties which would attach in due course, to the dealer under the provisions of this Act."

The defendant in this case is charged in the information with having executed and delivered to the dealer who sold the adulterated and misbranded food in interstate commerce the following guaranty, which is alleged to be false:

"We, the vendors of the articles mentioned in the foregoing invoice, hereby guarantee and warrant the same to be in full conformity with the Federal Act of June 30th, 1906, known as the 'Food and Drug Act,' \* \* \* in that the said articles are not adulterated or misbranded within the meaning of \* \* \* the aforesaid Act of Congress."

It is not contended by the defendant that Congress has no constitutional right to prohibit the introduction of adulterated and misbranded foods in interstate commerce, but the claim is that so far as the defendant's connection with the adulterated and misbranded goods was concerned, the entire transaction of manufacturing, selling and delivering by it was consummated within the State, as was the issuance of the false certificate, and as the defendant's connection with the article was entirely within the State, the fact that the certificate indicates that the adulterated and misbranded commodity was intended for interstate commerce can make no difference, because the Federal Courts could have no jurisdiction, whatever the intention of the manufacturer might be, until such goods had been shipped or entered with a common carrier for transportation to another State, or had been started upon such transportation in a continuous route or journey; and cites *Kidd v. Pierson*, 128 U. S. 1.

There is nothing in the Act to indicate that there is an effort on the part of Congress to regulate the manufacturing, selling or delivering of any articles of food within the states. The Act is intended to prevent adulterated and misbranded foods from being sold in interstate commerce; nothing more, and in order that this may be accomplished it prohibits the party who makes or manufactures the food and who knows what it contains from falsely assuring an innocent purchaser that its quality and dress lawfully entitles him to sell the commodity in interstate commerce. Such a certificate, made by a defendant, expressly under the provisions of the Act, if false, could have been made with no purpose other than to defeat the object of the Act. This prohibition is ob-

viously essential to the enforcement of one of the important powers with which Congress is intrusted, to wit: the regulations of interstate commerce.

To punish the dealer who sells the article in another State will not in all cases reach the evil sought to be remedied. He may be entirely innocent of any intention of selling an adulterated or misbranded food, because he may be unable to tell the difference between a pure article and one adulterated, and dealers cannot be expected to employ expert chemists to examine the great variety of commodities which enter into commerce and are dealt in by them; but the evil can soon be cured if the innocent dealer may shift the responsibility for the purity of the commodity to the manufacturer by requiring him to certify to the effect that the article is not adulterated or misbranded, when the manufacturer knows he will be subjected to punishment in case he gives a false certificate prohibited by the Act.

In the case of *United States vs. Fox*, 95 U. S., 670, 24 Law Ed., 538, in passing upon the provision in the bankrupt law which made it a misdemeanor, punishable by imprisonment, for obtaining goods under false pretence with intent to defraud, within three months of the commencement of bankruptcy proceedings, the court held that as this would be no offence under the Act of Congress at the time of the commission of the false pretence, that any subsequent independent act by the party himself or a third party in instituting bankruptcy proceedings, could not make it a crime punishable in the Federal Courts. In the discussion of the question, it was said by Justice Field, that "the criminal intent essential to the commission of a public offence must exist when the act complained of is done; it cannot be imputed to a party from a subsequent independent transaction. There are cases, it is true, where a series of acts are necessary to constitute an offence, one act auxiliary to another in carrying out the criminal design."

In this case, the criminal intent essential to the commission of the offence existed at the time defendant gave the certificate specifying that it was under the Pure Food Act of Congress of June 30th, 1906. With what purpose and intent was the certificate given other than for the purpose of evading the provisions of this Act of Congress? It is averred defendant made and knew the goods were both adulterated and misbranded, and with this knowledge gave a certificate that they were not adulterated or misbranded in order that an innocent purchaser might sell them in interstate commerce, and, in this case, the purpose of the certificate was accomplished. The dealer did just what the defendant intended he should do, that is, the dealer relying on the certificate sold the articles in another state. "Any act committed with a view of evading the legislation of Congress, passed in the execution of any of its powers, or of fraudulently securing the benefit of such legislation, may properly be made an offence against the United States." *U. S. vs. Fox*, supra.

Demurrer overruled.

On March 21, 1910, the defendant entered a plea of guilty and the court imposed a fine of \$25.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.



I. S. No. 9706-A.  
F. & D. No. 661.

Issued June 27, 1910.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 390, FOOD AND DRUGS ACT.

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#### ADULTERATION AND MISBRANDING OF POWDERED COLOCYNTH.

On or about July 9, 1908, A. Robinson McIlvaine, trading under the firm name of McIlvaine Brothers, of Philadelphia, Pa., shipped from the State of Pennsylvania to the State of Ohio, a consignment of a drug, each package labeled: "Powd. Colocynth, Trieste, 5 lbs., Guaranty No. 1076, under Pure Food and Drug Act, June 30, 1906, McIlvaine Bros., 1500 Hamilton St., Philadelphia, Pa." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report made that the said product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded McIlvaine Brothers, and the dealer from whom the samples were purchased, opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Eastern District of Pennsylvania charging the above shipment and alleging that the product was adulterated, in that it was sold under a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality and purity as determined by the test laid down in the said United States Pharmacopœia official at the time of the investigation, in this, that the standard as determined by the test laid down in the said Pharmacopœia required that in the preparation of the said colocynth the

seeds should be separated and rejected, whereas, the product consisted of a mixture of the pulp and seeds of colocynth apple, and was misbranded in that it was labeled "Powd. Colocynth," which statement was false and misleading, in that the words "Powd. Colocynth" were calculated to represent that the said product was made from the powdered pulp of the colocynth apple, the seeds having first been rejected, whereas, in fact, the said product had been made from the whole colocynth apple and contained the seeds ground therein.

On March 17, 1910, the defendant entered a plea of non vult contendere and the court imposed a fine of \$10.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *May 23, 1910.*





Issued June 27, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 391, FOOD AND DRUGS ACT.

### MISBRANDING OF GLUTEN FEED.

On or about October 28, 1907, the Clinton Sugar Refining Company, of Clinton, Iowa, shipped from the State of Iowa to the State of New York a consignment of a food product each bag of which was labeled "This package contains 100 lbs. Clinton Gluten Feed. Analysis 24% to 26% protein, 2½% to 3% fat. Packed by Clinton Sugar Refining Co. General offices and factory, Clinton, Iowa." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report made that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the Clinton Sugar Refining Company, and the dealer from whom the samples were procured, opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Southern District of Iowa, charging the above shipment and alleging that the product was misbranded, in that the label represented the product to contain 24 to 26 per cent. of protein, which statement was false, misleading and deceptive in that the product contained but 19.82 per cent. protein.

On October 25, 1909, the defendant entered a plea of nolo contendere and the court imposed a fine of \$50.00.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.

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United States Department of Agriculture,  
OFFICE OF THE SECRETARY.



**NOTICE OF JUDGMENT NO. 392, FOOD AND DRUGS ACT.**

**MISBRANDING OF A DRUG—"TELEPHONE HEADACHE TABLETS."**

On or about January 27, 1909, Charles W. Horn, of Slatington, Pa., shipped from the State of Pennsylvania to the State of Michigan a consignment of a drug, each retail package labeled:

"Telephone Headache Tablets. Each envelope contains 6 Tablets. Guaranteed Absolutely Harmless. This is a reliable remedy for the cure of sick and nervous headache, toothache, neuralgia, rheumatic pains and any nervous irritations, giving almost immediate relief. They contain no opium, morphia, or any injurious medicine. Pleasant to take and perfectly harmless when used as directed. \* \* \*

"None genuine unless signed Charles W. Horn, Pharmacist, Proprietor of the 'Telephone' Remedies, Slatington, Pa. Guaranteed under the Food and Drugs Act, June 30, 1906. Containing 200 grains acetanilide per ounce, No. 1579. A very effectual remedy for headache or any nervous and rheumatic pain. Try it. By druggist and dealers everywhere or by mail on receipt of price."

Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report made that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded Charles W. Horn, and the dealer from whom the samples were purchased opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Eastern District of Pennsylvania charging the above shipment and alleging that the product was misbranded, in that the label contained a statement "Telephone Headache Tablets. Each envelope contains 6 Tablets. Guaranteed absolutely harmless," which statement was false and misleading in that the said drug did contain acetanilide, which is an erratic, powerful, and injurious article, and was further misbranded in that the product was labeled "They (meaning Telephone Headache Tablets) contain no opium, morphia, or any injurious medicine. Pleasant to take and

perfectly harmless when used as directed," which statement was false and misleading in that the drug is not perfectly harmless and contains an injurious medicine and drug, namely, acetanilide, and was further misbranded in that it was labeled "Containing 200 grains acetanilide per ounce," which statement did not disclose the quantity or proportion of acetanilide which was contained in the six "Telephone Headache Tablets" contained in the said package, and was further misbranded in that there was enclosed in each retail package a printed circular which circular contained the statements "This (meaning 'Telephone Headache Tablets') is one of the greatest discoveries that medical science has achieved, and never before has mankind been so blessed with such a marvelous remedy for the relief of pain in any part of the body—as sick and nervous headache, neuralgia, toothache, la grippe, rheumatism, sciatica—also very efficacious in quieting nervous irritation, sleeplessness, feverishness, cold, etc.;" "They (meaning 'Telephone Headache Tablets') absolutely contain no opium, morphia, or any injurious drugs, but are in every respect the latest result of science," and "This remedy is a combination of the best known medicines from the vegetable kingdom, each having a specific action of its own, and in their combined state, act as a most powerful specific against the diseases of the nerve centers," which statements were false, misleading, and deceptive, in that the said product, namely, "Telephone Headache Tablets," was not the greatest discovery that medical science has achieved, and did contain an injurious drug, namely, acetanilide, an erratic, powerful, and dangerous drug, and was not a combination of the best known medicines from the vegetable kingdom, because acetanilide, the chief ingredient of the product, is not a vegetable product, but a substance compounded from analine, a coal tar derivative, and acetic acid.

On March 17, 1910, the defendant entered a plea of guilty and the court imposed upon him a fine of \$25.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *May 23, 1910.*

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RECEIVED  
JUN 25 1910  
DEPARTMENT OF AGRICULTURE

Issued June 27, 1910.

# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

### NOTICE OF JUDGMENT NO. 393, FOOD AND DRUGS ACT.

#### MISBRANDING OF OIL OF LEMON.

On or about April 26, 1909, Clayton F. Shoemaker and Miers Busch, trading under the firm name of Shoemaker & Busch, of Philadelphia, Pa., shipped from the State of Pennsylvania to the District of Columbia a consignment of a product labeled "Oil Lemon (Oleum Limonis) Guaranteed under Food and Drugs Act June 30, 1906, No. 2156. Distributed by Shoemaker & Busch, Philadelphia, Pa. One-half Pound." Samples of this product were procured and examined by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared on the aforesaid examination that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded Shoemaker & Busch, and the dealer from whom the samples were procured, opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Eastern District of Pennsylvania charging the above shipment and alleging that the product was misbranded, in that each bottle was labeled to indicate that it contained one-half pound, whereas, in fact, the weight of the contents of the said bottle was 12 per cent. less than one-half pound, as stated on the label.

On March 17, 1910, the defendants entered a plea of non vult contendere and the court imposed a fine of \$25.

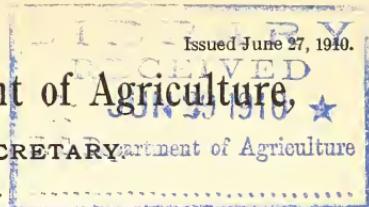
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.

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# United States Department of Agriculture

OFFICE OF THE SECRETARY

## NOTICE OF JUDGMENT NO. 394, FOOD AND DRUGS ACT.

### ADULTERATION AND MISBRANDING OF VINEGAR.

On or about November 9, 1908, the Baltimore Manufacturing Company, a corporation, of Baltimore, Md., shipped from the State of Maryland to the State of Virginia a consignment of a food product, each barrel of which was labeled "Old Orchard Pure Vinegar." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report made that the said product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the Baltimore Manufacturing Company, and the dealer from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the said shipment had been made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the District of Maryland, charging the above shipment, and alleging that the product was adulterated, in that a dilute solution of acetic acid had been substituted for the genuine food product and that said product had been colored in a manner whereby the damage and inferiority were concealed, and was misbranded, in that it was labeled "Old Orchard Pure Vinegar", which statement was false, misleading, and deceptive, in that it indicated that the product was a cider vinegar, whereas, in fact, the product was not a cider vinegar, but a dilute solution of acetic acid artificially colored.

On October 7, 1909, the defendant entered a plea of guilty and the court imposed a fine of \$50.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.





# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 395, FOOD AND DRUGS ACT.

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### ADULTERATION OF SARDINES.

On or about December 13, 1909, B. O. Bowers, of Lubec, Me., shipped from the State of Maine to the State of New York 392 cases of sardines. Analysis of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Southern District of New York.

In due course a libel was filed against the said 392 cases of sardines, charging adulteration in that the product consisted in whole or in part of a filthy, decomposed, and putrid animal substance, and praying seizure, condemnation, and forfeiture.

On January 18, 1910, the case came on for hearing, there being no claimant of record, and the court entered a decree of condemnation and forfeiture, and ordered that the said goods be destroyed.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.







# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 396, FOOD AND DRUGS ACT.

### ADULTERATION OF CORN FLOUR.

On or about March 16, 1909, the Standard Cereal Company, Chillicothe, Ohio, shipped from the State of Ohio to the District of Columbia 200 bags of corn flour. Analysis of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the said shipment was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Columbia.

In due course a libel was filed against the said 200 bags of corn flour charging adulteration, in that the said product was in a filthy condition and infested with worms and other animal matter and so contaminated by the presence of the said worms and other animal matter as to be unfit for human consumption.

On October 4, 1909, the Hoge & McDowell Company entered an appearance, set up a claim to the goods, and filed a plea of nolo contendere, and on October 6 the court entered a decree of condemnation and forfeiture, and ordered that the goods be released to the claimant upon payment of the costs and filing of a bond to be approved by the court, conditioned that the said product should not be disposed of contrary to the laws of the United States.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.

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# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 397, FOOD AND DRUGS ACT.

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### MISBRANDING OF OLIVE OIL.

On or about March 17, 1909, Gaetano Marchesini, trading under the firm name of Marchesini Brothers, of New York, N. Y., shipped from the State of New York to the State of Texas a consignment of a food product labeled "Soprafino F. P. Lucca Picinini Brand Distributed by Marchesini Bros. N. Y." Samples of this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report made that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded Gaetano Marchesini, and the dealer from whom the samples were procured, opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York charging the above shipment and alleging that the product was misbranded, in that each can was labeled "Soprafino F. P. Lucca Picinini Brand Distributed by Marchesini Bros. N. Y." with the words "Olio D'Oliva" in large type partly covered with a sticker upon which in small letters were the words "The original contents of this package constitute a compound packed in New York, U. S. A. Guaranteed under the National Pure Food Law. Serial No. 9663," and a picture consisting of two female figures representing America and Italy and a picture of two branches of an olive tree with the fruit of the olive thereon, which form of label was false and misleading and calculated to deceive and mislead the purchaser, in that it would indicate that the contents of the said can was Lucca Olive Oil, whereas, in truth and in fact, the contents of said can was not Lucca olive oil but consisted for the most part of cottonseed oil.

On April 14, 1910, the defendant entered a plea of guilty and the court imposed a fine of \$100.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *May 23, 1910.*



# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 398, FOOD AND DRUGS ACT.

### ADULTERATION AND MISBRANDING OF VINEGAR.

On or about February 16, 1908, the Ingham Vinegar Co., a corporation, Portland, Oreg., shipped from said State to the State of Iowa a quantity of vinegar labeled "Ingham's Fancy Oregon Apple Cider Vinegar, Portland, Oreg." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, said Ingham Vinegar Company and the party from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution. In due course an information was filed in the District Court of the United States for the District of Oregon, charging the above shipment and alleging that the product was misbranded in that the label above quoted was false and misleading, as being calculated and intended to represent to purchasers that the said vinegar was pure apple cider vinegar produced and manufactured from apples grown in the State of Oregon, when, as a matter of fact, it was not manufactured from apples grown in said State of Oregon, or elsewhere; and further charging that the product was adulterated in that it was a mixture of a foreign product high in reducing sugars and dilute acetic acid, prepared in imitation of apple cider vinegar.

This case came on for trial in December, 1909, and resulted in a disagreement of the jury. A second trial was had in March, 1910, and a verdict was rendered in favor of the defendant.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.



# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

### NOTICE OF JUDGMENT NO. 399, FOOD AND DRUGS ACT.

#### ADULTERATION AND MISBRANDING OF VINEGAR.

On or about November 7, 1908, the Spielmann Brothers Co., a corporation, of Chicago, Ill., shipped from the State of Illinois to the State of Minnesota a consignment of a food product labeled "Pure Apple Vinegar," and on June 2, 1909, said corporation made a similar shipment from said State of Illinois to the State of Iowa. Samples from these shipments were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the Spielmann Brothers Co., and the dealers from whom the samples were procured, opportunities for hearings. As it appeared after hearings held that the said shipments were made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence on which to base prosecution.

In due course two criminal informations were filed in the District Court of the United States for the Northern District of Illinois, one for each of said shipments, charging that the product was shipped as above stated and was adulterated within the meaning of the act, because a foreign material, high in reducing sugars, and a dilute acetic acid had been mixed with said article of food so as to reduce, lower, and injuriously affect its quality and strength; and that it was misbranded within the meaning of the act, because it was labeled "Apple Vinegar," which statement was false and misleading and would lead purchasers to believe that said article was an apple vinegar, whereas, in truth and in fact, it was a mixture of a foreign material high in reducing sugars, a dilute acetic acid, and cider vinegar artificially prepared in imitation of apple vinegar.

On December 31, 1909, the said defendant entered a plea of guilty to the above informations and the court imposed upon it a fine of \$12.50 in each case.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.

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# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 400, FOOD AND DRUGS ACT.

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### MISBRANDING OF "ONEIDA" STOCK FEED.

On or about July 24, 1908, A. Waller & Co., a corporation, of Owensboro, Ky., shipped from the State of Kentucky to the State of New York a consignment of stock feed styled and designated "Oneida Mixed Feed." Samples of this shipment were procured and examined by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded said A. Waller & Co., and the party from whom the samples were procured, opportunities for hearings. As it appeared after hearings held that said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Western District of Kentucky charging the above shipment and that the product was misbranded within the meaning of the act, because its label stated that it contained, among other ingredients, ground corn, while as a matter of fact the product contained no ground corn, and said label was therefore false and misleading.

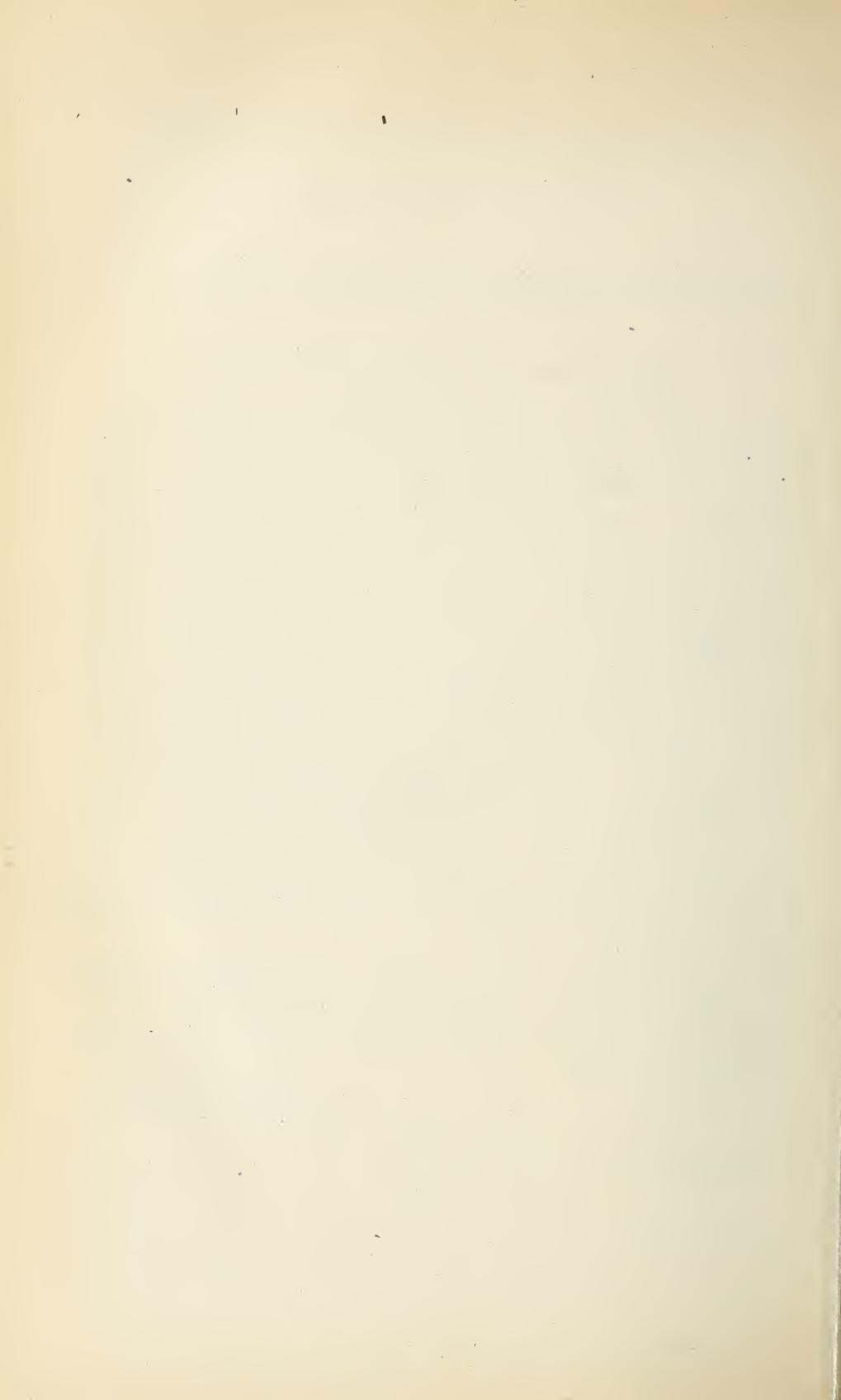
On May 2, 1910, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$25 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.





# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 401, FOOD AND DRUGS ACT.

### MISBRANDING OF A DRUG—"HODNETT'S GEM SOOTHING SYRUP."

On or about March 23, 1909, Alfred T. G. Hodnett, York, Pa., shipped from said State of Pennsylvania to the city of Washington, in the District of Columbia, a quantity of a certain drug product labeled "Hodnett's Gem Soothing Syrup." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, said Alfred T. G. Hodnett, and the party from whom the samples were procured, were afforded opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Middle District of Pennsylvania charging the above shipment and alleging that the product was misbranded within the meaning of the said act, because its labels bore the following false and misleading statements, to wit: "Hodnett's Gem Soothing Syrup. Superior to all Soothing Syrups. This preparation contains approximately 4 $\frac{1}{2}$  grains of opium and 4 per cent of alcohol in each ounce. Guaranteed perfectly harmless. Contains no morphine, and is superior to all preparations for children ever manufactured. Mothers need not fear giving this medicine to the youngest babe, as no bad results come from the continued use of it," when, as a matter of fact, said product did contain morphine, and contained a much less quantity of alcohol to each ounce than was stated in said labels, said false and misleading statements being intended to mislead and deceive the purchasing public.

On May 3, 1910, the defendant entered a plea of guilty to this information, and the court imposed a fine of \$10 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.

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# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 402, FOOD AND DRUGS ACT.

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### MISBRANDING OF ICE CREAM POWDER—"CREAM-X-CEL-O."

On or about September 10, 1909, Edwin G. Eckert, proprietor of and doing business as the Acme Extract and Chemical Works, Hanover, Pa., shipped from said State of Pennsylvania to the State of New Jersey a package containing a quantity of "Eckert's Vegetable Ice Cream Powder," termed "Cream-x-cel-o." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, said Edwin G. Eckert, and the party from whom the samples were procured, were afforded opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Middle District of Pennsylvania charging the above shipment and alleging that the product was misbranded within the meaning of said act, because the carton containing the product in question had printed thereon the following statement: "Contains a high percentage of cream and butter fat," which statement was false and misleading, as the said article did not contain a high percentage of cream and butter fat, nor did it contain any cream and butter fat.

On May 3, 1910, the defendant entered a plea of guilty to this information, and the court imposed a fine of \$10 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.

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Issued June 27, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 403, FOOD AND DRUGS ACT.

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### MISBRANDING OF MAPLE SYRUP.

On or about September 21, 1907, Rigney & Company, Brooklyn, N. Y., shipped from the State of New York to the State of Pennsylvania a quantity of maple syrup. Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, said Rigney & Company, and the party from whom the samples were procured, were afforded opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Eastern District of New York charging the above shipment and alleging that the product was misbranded within the meaning of said act because the product was labeled "Colonial Brand Pure Vermont Maple Syrup. We guarantee this syrup to be absolutely free from glucose, preservatives or other adulterants, Rigney & Co., Rutland, Vt. Brooklyn, N. Y.," which label represented the contents of the bottle on which it appeared to be pure Vermont maple syrup, whereas in truth and in fact said contents were not pure maple syrup but contained a large percentage of adulterants.

On March 29, 1910, the defendant pleaded guilty to this information and was fined \$100.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.

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# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 404, FOOD AND DRUGS ACT.

### MISBRANDING OF CHICKEN FEED—"ALFACORN."

On or about February 1, 1909, the Capital Grain & Mill Company, a corporation, of Nashville, Tenn., shipped from said city to Raleigh, N. C., a certain quantity of an article of food in sacks of two sizes, to wit, 10 pounds and 100 pounds, labeled "Alfacorn Chicken Feed," said label containing the words "Guar. Analysis Protein (6.25 times nitrogen) 12%, Fat 3.5%, Fibre 12% (Guar. Clause) Serial No. 22122." Samples from the above shipment were procured and analyzed in the Bureau of Chemistry, United States Department of Agriculture. As the finding of the analyst and report made indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, said Capital Grain & Mill Company and the party from whom said samples were procured were afforded opportunities for hearings, and as it appeared after hearings held that the above shipment was made in violation of the aforesaid act, the Secretary of Agriculture reported the facts to the Attorney-General, together with a statement of the evidence upon which to base a prosecution.

In due course two criminal informations against the said Capital Grain & Mill Co. were filed in the District Court of the United States for the Middle District of Tennessee, one charging that the product put up in 10-pound sacks was misbranded because it contained only 2.56 per cent fat and 18.57 per cent crude fiber and that the label on said sacks was therefore false and misleading; the other charging that the product put up in 100-pound sacks was misbranded in that it contained only 2.92 per cent fat, 10.29 per cent protein, and 21.23 per cent crude fiber, and that the label on said sacks was therefore false and misleading.

The defendant upon arraignment entered a plea of guilty to both the above informations and the court imposed upon it a fine of \$75 in each case and the costs of prosecution.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.

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Issued June 27, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 405, FOOD AND DRUGS ACT.

### ADULTERATION AND MISBRANDING OF BANANA EXTRACT.

On or about January 14, 1909, the Webb Mfg. Co., of Nashville, Tenn., shipped from said city to Selma, Ala., a quantity of a certain article of food contained in bottles labeled "Pure Concentrated Extract of Banana." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made thereon indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Webb Mfg. Co., and the dealer from whom the samples were purchased, opportunities to be heard. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney General, with a statement of the evidence on which to base a prosecution. In due course a criminal information was filed in the District Court of the United States for the Middle District of Tennessee charging that the product was shipped as above stated and was adulterated within the meaning of section 7 of the aforesaid act, paragraphs second and fourth, under foods, in that it was in no proper sense a pure concentrated extract of banana, which it falsely purported to be, but that another substance had been substituted for said extract of banana, and further charging that said product was misbranded within the meaning of section 8 of the said act, paragraph fourth, under foods, in that its labels stated it to be a "pure concentrated extract of banana," when, as a matter of fact, it was not an extract of banana at all, but a mere imitation of banana flavor, said labels therefore being false and misleading.

The defendant upon arraignment entered a plea of guilty to the above information and the court imposed a fine of \$25 and costs of prosecution.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.

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# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 406, FOOD AND DRUGS ACT.

### ADULTERATION OF MIXED OATS.

On or about April 10, 1909, the McLemore Grain Co., Nashville, Tenn., shipped from said city to Talladega, Ala., a certain quantity of what purported to be No. 2 mixed oats. Samples of the product were procured and examined by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon indicated that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the McLemore Grain Company, and the dealer from whom the samples were procured, opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of this act, the Secretary of Agriculture reported the facts to the Attorney General, with a statement of the evidence on which to base a prosecution. In due course a criminal information was filed in the District Court of the United States for the Middle District of Tennessee charging the above shipment and that the product was adulterated within the meaning of the act, in that it purported to be "No. 2 Mixed Oats," when, as a matter of fact, barley was substituted in part for oats and the product was a mixture of oats and barley and contained 12 per cent of barley instead of being only mixed oats as it falsely purported to be.

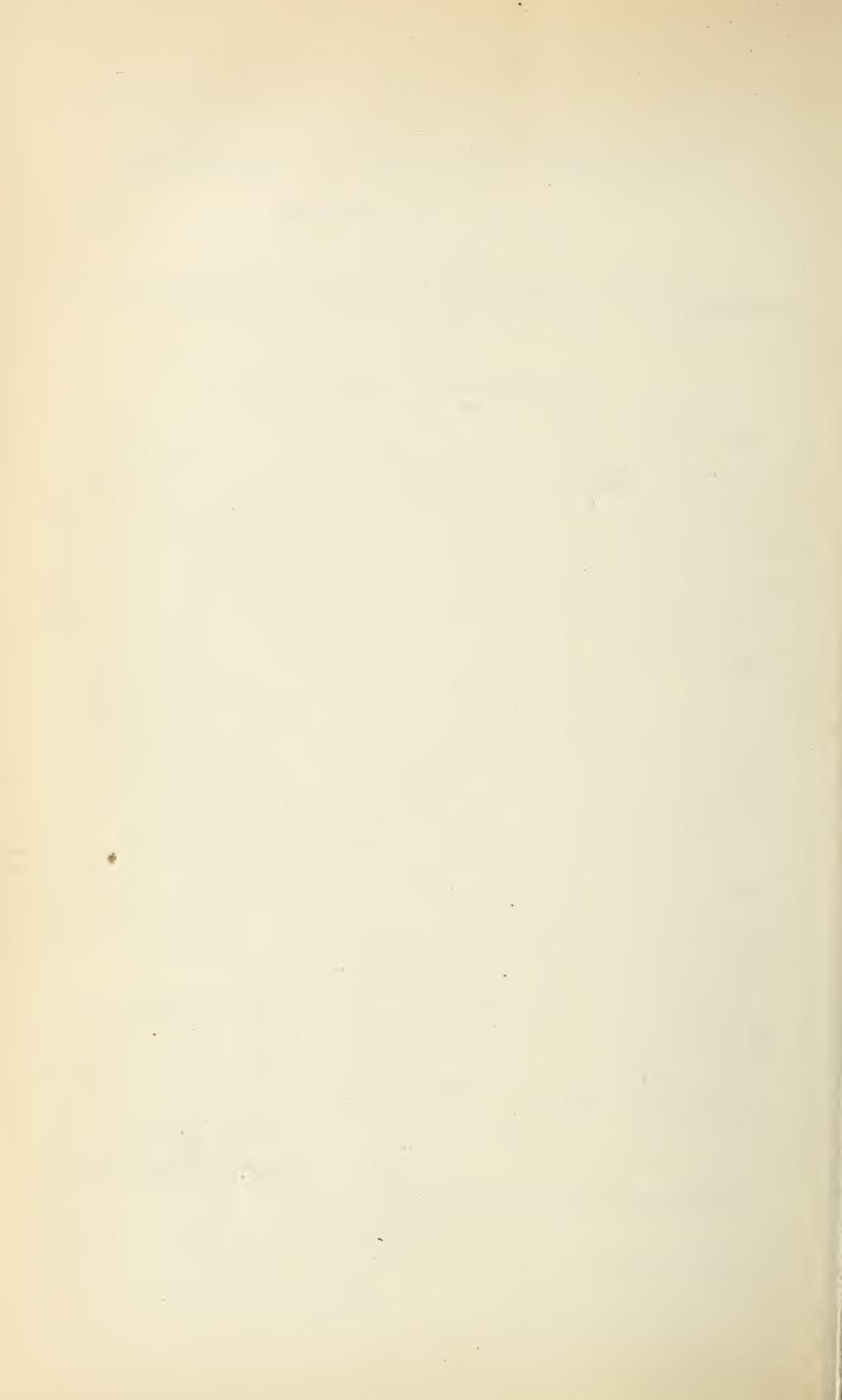
The defendant upon arraignment entered a plea of guilty to the above information and the court imposed a fine of \$100 and the costs of prosecution.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.

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# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 407, FOOD AND DRUGS ACT.

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### ADULTERATION AND MISBRANDING OF COFFEE.

During the period from September 30, 1907, to May 27, 1908, the Reily-Taylor Company, of New Orleans, La., made various shipments from said State of Louisiana to the State of Alabama of a food product labeled "Luzianne Coffee." Samples of this product were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon indicated that the product was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Middle District of Alabama. In due course a libel was filed in the District Court of the United States for the Middle District of Alabama against 7 original cases of Luzianne Coffee, each case containing 24 4-pound cans; 10 original cases, each containing 50 2-pound cans; 11 original cases, each containing 100 1-pound cans; 15 original cases, each containing 60 1-pound cans; and 8 original cases, each containing 16 4-pound cans, each of said original cases being branded as follows: "Luzianne Coffee—The Reily-Taylor Co., New Orleans, U. S. A." charging the above shipment and alleging that said coffee was adulterated, in that a foreign substance, to wit, chicory, had been mixed and packed with the said coffee so as to reduce, lower, and injuriously affect its quality and strength, and that a substance, to wit, chicory, had been substituted in part for said coffee; that said product was misbranded, in that the said original cases were branded "Luzianne Coffee," when, in truth and in fact, said cases contained cans which were branded "Luzianne Roasted Coffee and Chicory," the branding of said cases being calculated to deceive and mislead purchasers; and further charging that the said original cases were misbranded, in that they were branded "Luzianne Coffee," when, in truth and in fact, said original cases contained Luzianne roasted coffee and chicory.

On July 30, 1909, the following decree was rendered in this case:

THE UNITED STATES }  
 vs. } No. 1957.  
 LUZIANNE COFFEE. }

In this cause it appearing to the Court, the said United States, by E. J. Parsons, United States Attorney, and the Winter-Loeb Grocery Company, the claimants and owners of the property seized herein, by B. P. Crum, its attorney, consenting thereto, that under process issued in this cause, on, to wit, the third day of August, 1908, Seven (7) original cases of Luzianne Coffee, each containing twenty-four (24) four (4) pound cans, and ten (10) original cases, each containing fifty (50) two (2) pound cans, and ten (10) original cases, each containing one hundred (100) one (1) pound cans, and fourteen (14) original cases, each containing sixty (60) one (1) pound cans, and eight (8) original cases, each containing sixteen (16) four (4) pound cans of Luzianne Coffee, were seized by the United States Marshal in the City of Montgomery and State of Alabama, and that the same were subject to seizure and confiscation by the United States for the causes set forth in the libel herein, that is to say, for the reason that the said cans and cases contain a mixture of coffee and chicory instead of pure Luzianne Coffee, as indicated on said original cases, and that the said brands on said cases were misleading and calculated to deceive purchasers.

And it appearing further by like consent that the said Winter-Loeb Grocery Company, claimants, have agreed that an order may be entered adjudging said property to be misbranded within the meaning of the Pure Food and Drug Act of June 30, 1906, and that the same may be condemned, but it appearing that on, to wit, the twentieth day of August 1908, the said Winter-Loeb Grocery Company executed its bond which was approved by the Court in accordance with Section 10 of said Act of Congress of June 30, 1906, and that they have paid all the costs of this proceeding up to this date, and that the Marshal, upon the order of this Court, has re-delivered said property so seized to the said Winter-Loeb Grocery Company,

It is, therefore, ordered, adjudged and decreed that the said property above described is misbranded in violation of the said Pure Food and Drug Act of June 30, 1906, and it is hereby condemned as such.

It is further ordered, however, that the said property be not destroyed, but be allowed to remain in the custody and control of the said Winter-Loeb Grocery Company to be held or disposed of by them only in accordance with the provisions of the said Pure Food and Drug Act of June 30, 1906.

We hereby agree that the above decree may be entered.

E. J. PARSONS, *U. S. Attorney.*  
 WINTER-LOEB GROCERY COMPANY,  
 By B. P. CRUM, *Attorney.*

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *May 23, 1910.*

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# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 408, FOOD AND DRUGS ACT.

### ADULTERATION AND MISBRANDING OF ORANGE EXTRACT.

On or about January 14, 1909, the Webb Manufacturing Co., a corporation, Nashville, Tenn., shipped from said city to Selma, Ala., a quantity of a certain article of food contained in bottles, labeled "Webb's Pure Concentrated Extract of Orange." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the Webb Manufacturing Co., Nashville, Tenn., and the dealer from whom the samples were procured, opportunities to be heard. As it appeared after hearings held that the said shipment was made in violation of the Act, the Secretary of Agriculture reported the facts to the Attorney General, with a statement of the evidence on which to base a prosecution. In due course a criminal information was filed in the District Court of the United States for the Middle District of Tennessee, charging that the product was shipped as above stated and was adulterated in that it did not contain 5 per cent of the oil of orange, the minimum percentage permitted by the usages of commerce, was artificially colored with a coal tar dye to conceal its inferiority, and was in no proper sense of the law concentrated extract of orange, which it falsely purported to be; that said product was misbranded in that its labels stated it to be of "perfect purity and great strength," and that it was a "pure concentrated extract of orange," while as a matter of fact it was not pure, of great strength, nor a concentrated extract of orange, but a diluted extract of orange, artificially colored by means of a coal tar dye, said labels being false and misleading.

The defendant upon arraignment entered a plea of guilty to the above information, and the court imposed upon it a fine of \$25 and costs of prosecution.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.

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Issued June 27, 1910.

## NOTICE OF JUDGMENT NO. 409, FOOD AND DRUGS ACT.

### ADULTERATION OF OATS.

On or about January 25, 1909, Alex. C. Harsh and James K. Polk, doing business as Alex. C. Harsh & Company, Nashville, Tenn., shipped from said city to Athens, Ga., a certain quantity of food sold and invoiced as oats. Samples of this product were procured and examined by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon indicated that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded Alex. C. Harsh & Company, and the party from whom the samples were purchased, opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney General, with a statement of the evidence on which to base a prosecution. In due course a criminal information was filed in the District Court of the United States for the Middle District of Tennessee, charging the above shipment and alleging that the product was misbranded within the meaning of the act, in that it purported to be "oats," while, as a matter of fact, it was a mixture of oats and barley and was therefore adulterated within the terms of section 7 of said act.

The defendant upon arraignment entered a plea of guilty to the above information, and the court decreed that each of said defendants pay a fine of \$75 and one-half the costs of prosecution.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.





# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 410, FOOD AND DRUGS ACT.

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### MISBRANDING OF CANNED CORN—"BEN HUR" BRAND.

#### SHORT WEIGHT.

On or about October 13, 1908, there were shipped from the State of Ohio into the State of Missouri 110 cases of canned corn, labeled "Ben Hur" brand. Samples of this product were procured and examined by the Bureau of Chemistry of the United States Department of Agriculture, and as the findings of the analyst and report made indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, and liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Missouri.

In due course libel was filed against the said 110 cases of canned corn, charging that each of said 110 cases was labeled "Two dozen 2-lb. Ben Hur Brand Sugar Corn, Packed by the Atlantic Canning Co., Atlantic, Iowa." when in truth and in fact the average weight per can was 24½ ounces, and that said cases were therefore misbranded in violation of section 8 of the above act, and praying condemnation and forfeiture of said 110 cases.

On May 24, 1909, no response or answer having been filed to the libel, the case came on for final hearing and the court rendered its decree, sustaining the allegation above set forth, condemning and forfeiting to the United States the said cases, and ordering their sale by the marshal of said court on June 25, 1909.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

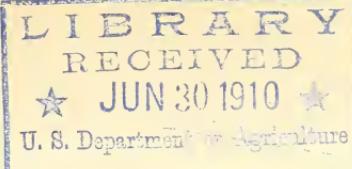
JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.





I. S. No. 8953.  
F. & D. No. 119.



Issued June 28, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 411, FOOD AND DRUGS ACT.

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### MISBRANDING OF LEMON EXTRACT.

On or about April 17, 1907, Kimball Bros. & Company, a corporation, Enosburg, Vt., shipped from the said State of Vermont to the State of New Hampshire a quantity of alleged lemon extract. Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, said Kimball Bros. & Company and the party from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course an indictment was brought in the District Court of the United States for the District of Vermont, by the grand jury of said District, charging the above shipment, and alleging that the product was misbranded within the meaning of said act, because it was labeled "Pure Extract of Lemon," whereas in truth and in fact it was not a lemon extract, and not a pure extract of lemon, and further charging that said product differed from lemon extract in this, that standard lemon extract contains 5 per cent of oil of lemon in bulk, while the product shipped as above only contained 1.16 per cent in bulk of oil of lemon.

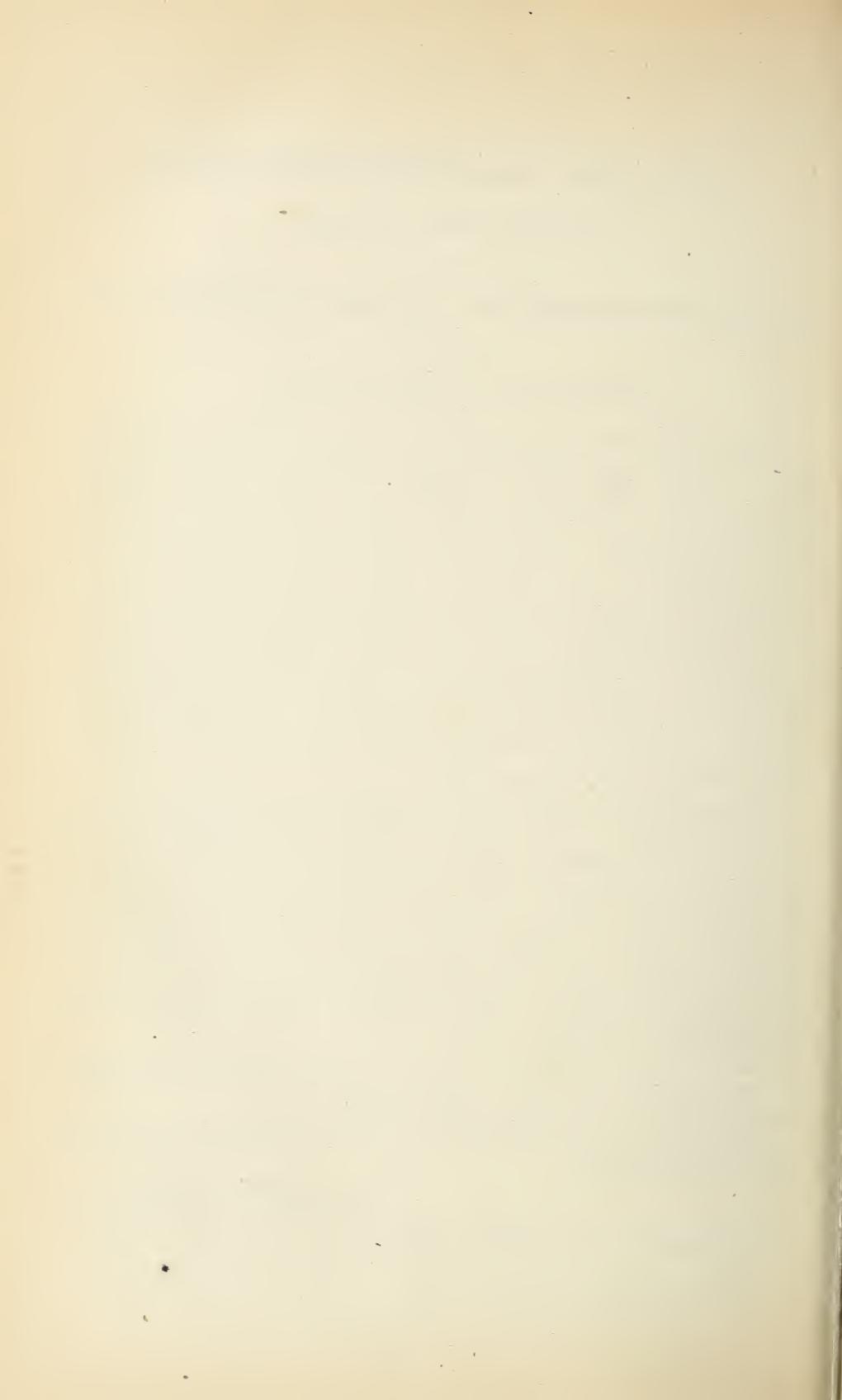
On January 21, 1909, the defendant pleaded guilty to this indictment, and the court imposed a fine of \$100.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

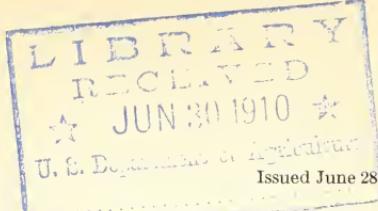
JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.

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F. & D. No. 683.  
I. S. No. 8704-a.



# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 412, FOOD AND DRUGS ACT.

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### ADULTERATION AND MISBRANDING OF MAPLE SYRUP.

On or about February 26, 1908, The Gordon Syrup Company, a corporation, of Oakland, Cal., shipped from said State of California, to Phoenix, Ariz., a quantity of alleged maple syrup. Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, said Gordon Syrup Company, and the party from whom samples were procured, were afforded opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney General, with a statement of the evidence on which to base a prosecution.

In due course an indictment was brought in the District Court of the United States for the Northern District of California, by the grand jurors of said district, charging the above shipment, and that the product was adulterated within the meaning of said act, because it was labeled "Perfection Maple Syrup, Gordon Syrup and Pickle Company, Oakland, San Francisco," when, as a matter of fact, the product was not maple syrup at all, but a mixture of cane sugar with a small percentage of maple sugar changed to the form of a syrup.

On November 23, 1909, the defendant entered a plea of guilty to the said indictment, and on the next day the court imposed a fine of \$100.

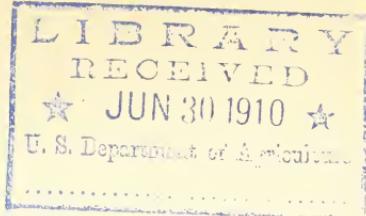
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.

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F. & D. No. 685.  
I. S. No. 15088-a.

Issued June 28, 1910.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 413, FOOD AND DRUGS ACT.

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#### MISBRANDING OF APRICOT BRANDY.

On or about November 13, 1908, the F. Chevalier Company, a corporation, San Francisco, Cal., shipped from said State of California to the State of Nevada a quantity of alleged apricot brandy. Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the F. Chevalier Company, and the party from whom the samples were procured, opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney General, with a statement of the evidence on which to base a prosecution. In due course an indictment was brought in the District Court of the United States for the Northern District of California by the grand jurors of the said district charging the said shipment and that the product was misbranded within the meaning of said act, because it was labeled "Apricot Brandy," when, as a matter of fact, the product was not apricot brandy, but an artificial mixture or compound containing no apricot whatever.

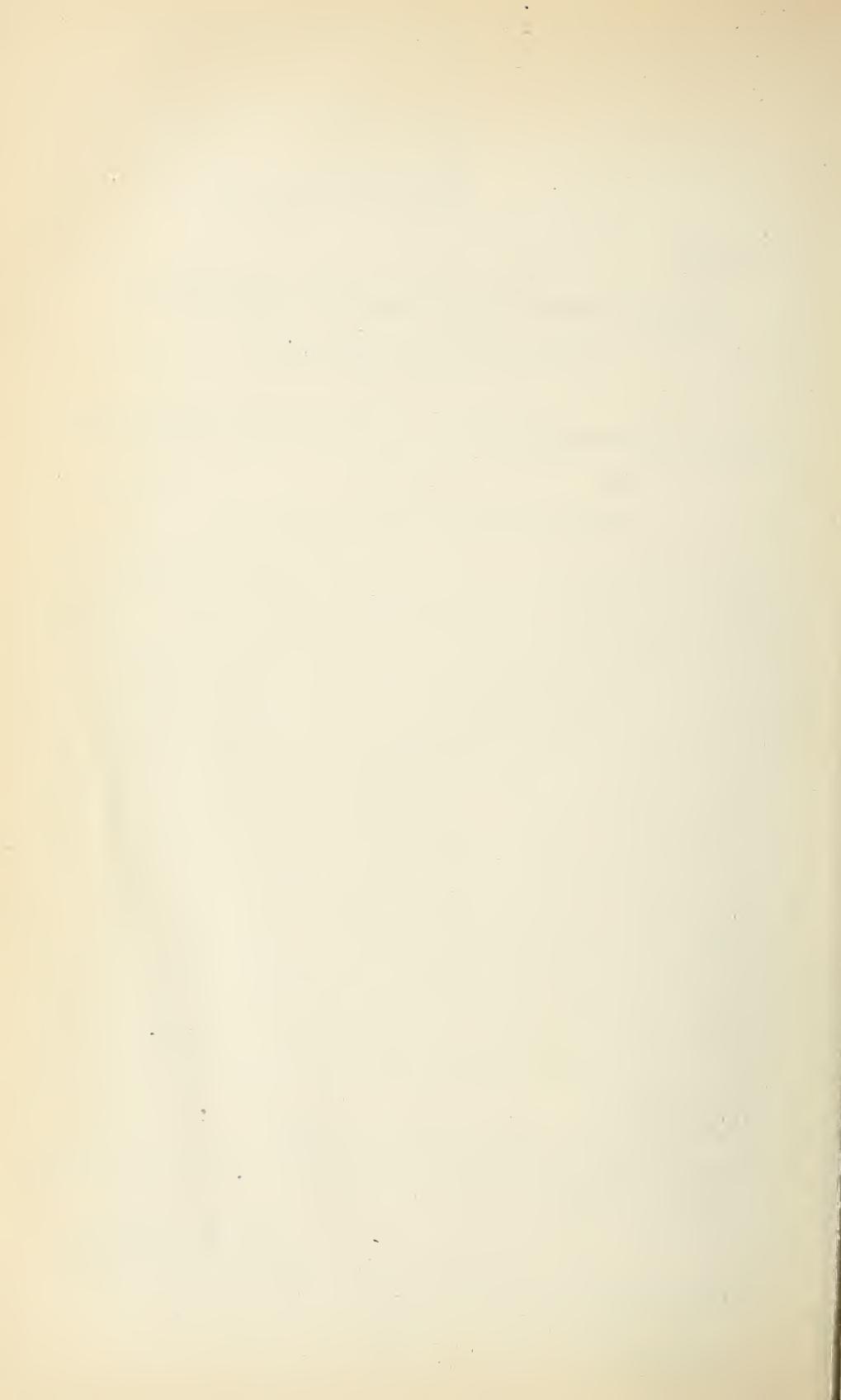
On November 23, 1909, the defendant entered a plea of guilty and the next day the court imposed a fine of \$100.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

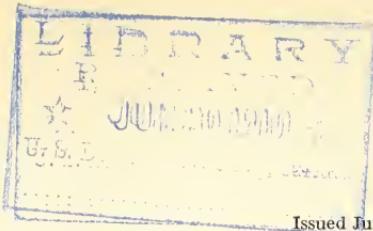
JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.





F. & D. No. 845.  
I. S. No. 12432-a.



Issued June 28, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 414, FOOD AND DRUGS ACT.

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### MISBRANDING OF PEACH BRANDY.

On or about November 17, 1908, the F. Chevalier Company, a corporation, of San Francisco, Cal., shipped from the said State of California to the State of Nevada a quantity of alleged peach brandy. Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said F. Chevalier Company, and the party from whom the samples were purchased, opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney General, with a statement of the evidence on which to base a prosecution. In due course an indictment was found in the District Court of the United States for the Northern District of California by the grand jurors of said district charging the above shipment and that the product was misbranded within the meaning of the act, because it was labeled "Peach Brandy," when, as a matter of fact, it was not peach brandy, but an artificial mixture or compound containing no peach whatever.

On November 23, 1909, the defendant entered a plea of guilty to this indictment and on the next day the court imposed a fine of \$100.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.

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F. & D. Nos. 919 and 994.  
I. S. Nos. 8671-a and 25701-a.

Issued June 28, 1910.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 415, FOOD AND DRUGS ACT.

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#### MISBRANDING OF JELLY (CURRANT) AND PRESERVES (LOGAN-BERRY).

On or about August 27, 1908, the Long Syrup Refining Company, a corporation, San Francisco, Cal., shipped from the State of California to the State of Montana a quantity of so-called Loganberry Preserves, and on April 5, 1909, shipped from said State of California to the State of Washington a quantity of alleged Currant Jelly. Samples from these shipments were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made indicated that the products were misbranded within the meaning of the act, said Long Syrup Refining Company, and the parties from whom the samples were procured, were afforded opportunities for hearings. As it appeared after hearings held that the shipments were made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney General, with a statement of the evidence upon which to base a prosecution. In due course an indictment was brought in the District Court of the United States for the Northern District of California by the grand jurors of said district, said indictment containing two counts, the first charging the shipment of the currant jelly, and that the use of the words "Currant Jelly," in large letters on said label, and the words "blended with apple and other fruit juices," in small letters thereon, was calculated to mislead and deceive the public into the belief that the product was in fact currant jelly, whereas, as a matter of fact, said product was not currant jelly, but a mixture of currant, apple, and other fruit juices, not having the distinctive qualities or characteristics of currant jelly; the second count charging

the shipment of loganberry preserves, and alleging that said product was misbranded in the following particulars:

Upon each glass was pasted a label or brand bearing the following words, "Loganberry Preserves, Selected California Fruit, Preserved in Pure Sugar, Long's Preserves, Long Syrup Refining Company, San Francisco, Calif.," whereas, in truth and in fact, as the said defendant, by and through its officers, agents, servants, and employees, then and there well knew, the said Loganberry Preserves contained about eleven (11) per cent. of glucose, a small amount of benzoic acid, and was then and there colored with a prohibited coal tar dye, the presence of which products was not then and there indicated upon the label, but which ingredients being so mixed with the said preserves then and there reduced and lowered and injuriously affected the quality and strength of the said food product, and the presence of the coal tar dye in said food product was then and there calculated to and did conceal the inferiority of the article so shipped as a food product.

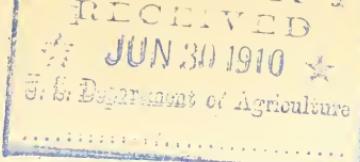
On March 8, 1910, the defendant entered a plea of guilty to the above indictment, and on March 14, 1910, the court imposed a fine of \$25 on the first count and \$100 on the second count.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.

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F. & D. No. 668.  
I. S. No. 12421-a.

Issued June 28, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 416, FOOD AND DRUGS ACT.

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### MISBRANDING OF LEMON EXTRACT.

On or about April 20, 1908, Tillman & Bendel, a corporation, San Francisco, Cal., shipped from the State of California to the State of Nevada a quantity of a food product labeled "Popular Flavoring Extracts, Lemon (artificial) Superior Quality, Bottled by Tillman & Bendel, San Francisco, Cal. 16 ounce." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said Tillman & Bendel, and the party from whom the samples were procured, were afforded opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney General, with a statement of the evidence on which to base a prosecution. In due course an indictment was brought in the District Court of the United States for the Northern District of California by the grand jurors of said district, charging the above shipment, and that the product was misbranded in that it did not contain any oil of lemon or extract of lemon, and that the bottles in which the preparation was sold and which were labeled "16 ounce," did not, as a matter of fact, contain 16 ounces, nor more than 12 ounces.

On October 9, 1909, the defendant entered a plea of guilty to the above indictment and the court imposed a fine of \$100.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

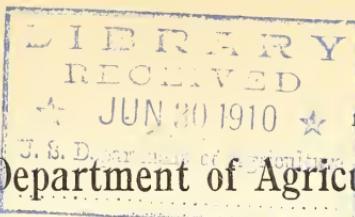
JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.

O



F. & D. No. 571 and 621.  
I. S. No. 6366-a and 7222-a.



Issued June 28, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 417, FOOD AND DRUGS ACT.

### ADULTERATION OF OLIVE OIL.

On or about April 16, 1908, Bertin & Lepori, a corporation, San Francisco, Cal., shipped from said State of California to the Territory of New Mexico a quantity of alleged olive oil labeled "Fine Olive Oil, Diano Marina, Product of Italy Registered Mark Gallo Quality and quantity guaranteed, B. P. G., Diano Marina," and on or about April 28, 1908, made a similar shipment from said State of California to the State of Washington. Samples from these shipments were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made indicated that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, said Bertin & Lepori and the parties from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that the shipments were made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence on which to base a prosecution.

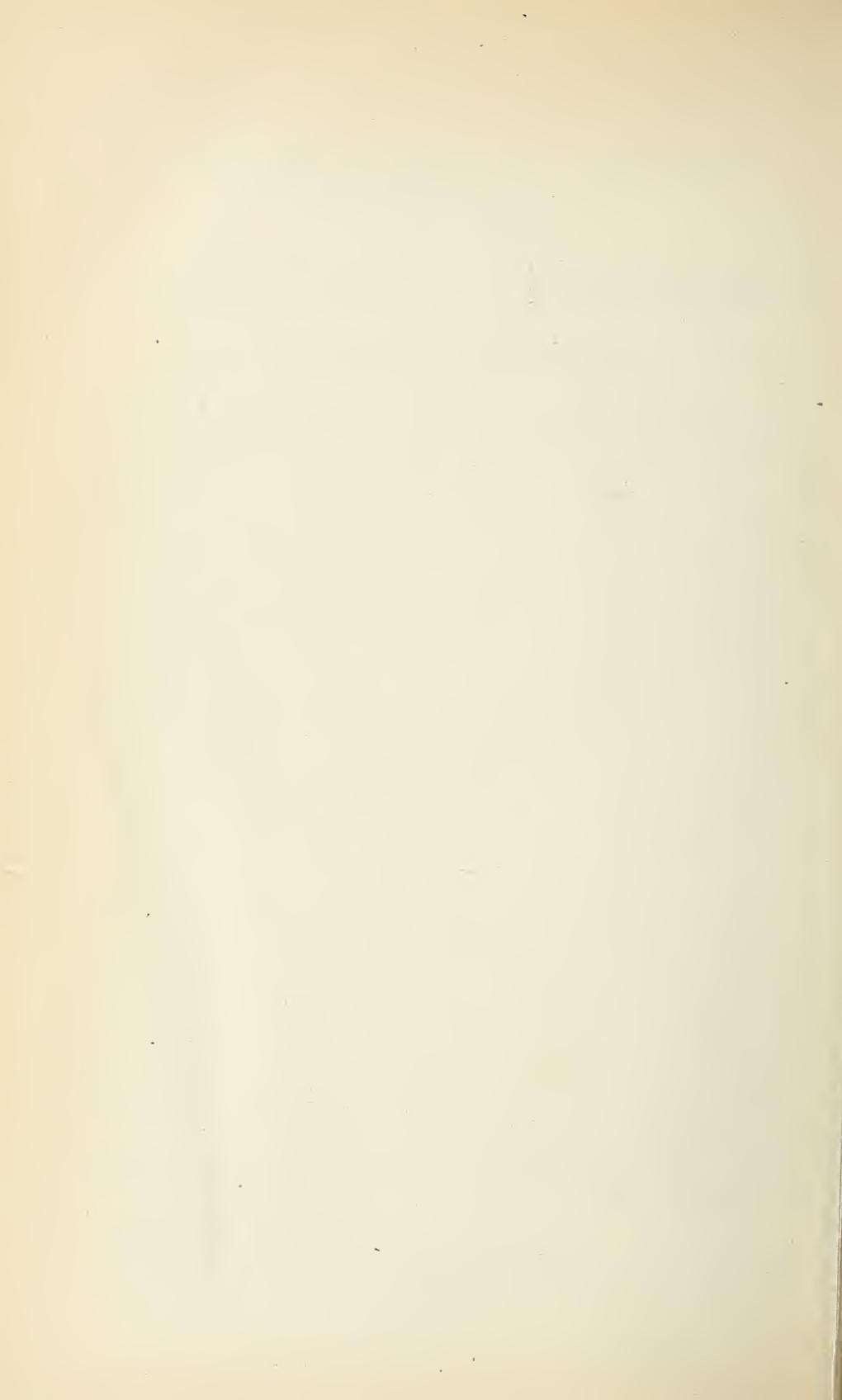
In due course an indictment was brought in the District Court of the United States for the Northern District of California by the grand jury of said district, charging the above two shipments, and that the product in question was adulterated within the meaning of said act, in that it contained a large quantity, to-wit, about 45 per cent, of cotton-seed oil, which reduced and lowered and injuriously affected the quality and strength of the alleged olive oil. On November 23, 1909, the defendant was arraigned and entered a plea of guilty to the above indictment, and the next day the court imposed a fine of \$100 in the case of each of said shipments.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

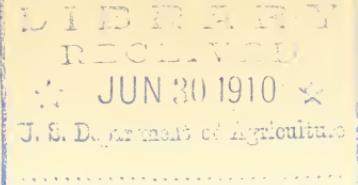
JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.





F. & D. Nos. 643 and 607.  
I. S. Nos. 21196-a and 8942-a.



Issued June 28, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 418, FOOD AND DRUGS ACT.

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### MISBRANDING OF A DRUG—"FALCK'S ONE-MINUTE HEADACHE CURE."

On or about January 25, 1909, Will H. Carslake, trading as the John A. Falck Company, Bordentown, N. J., shipped from the State of New Jersey to the District of Columbia a quantity of a drug labeled "Falck's One-Minute Headache Cure," and on June 2, 1909, he made a similar shipment from said State of New Jersey to the State of Pennsylvania. Samples from these shipments were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, said Will H. Carslake and the parties from whom the samples were procured were afforded opportunities for hearing. As it appeared after hearings held that the shipments were made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

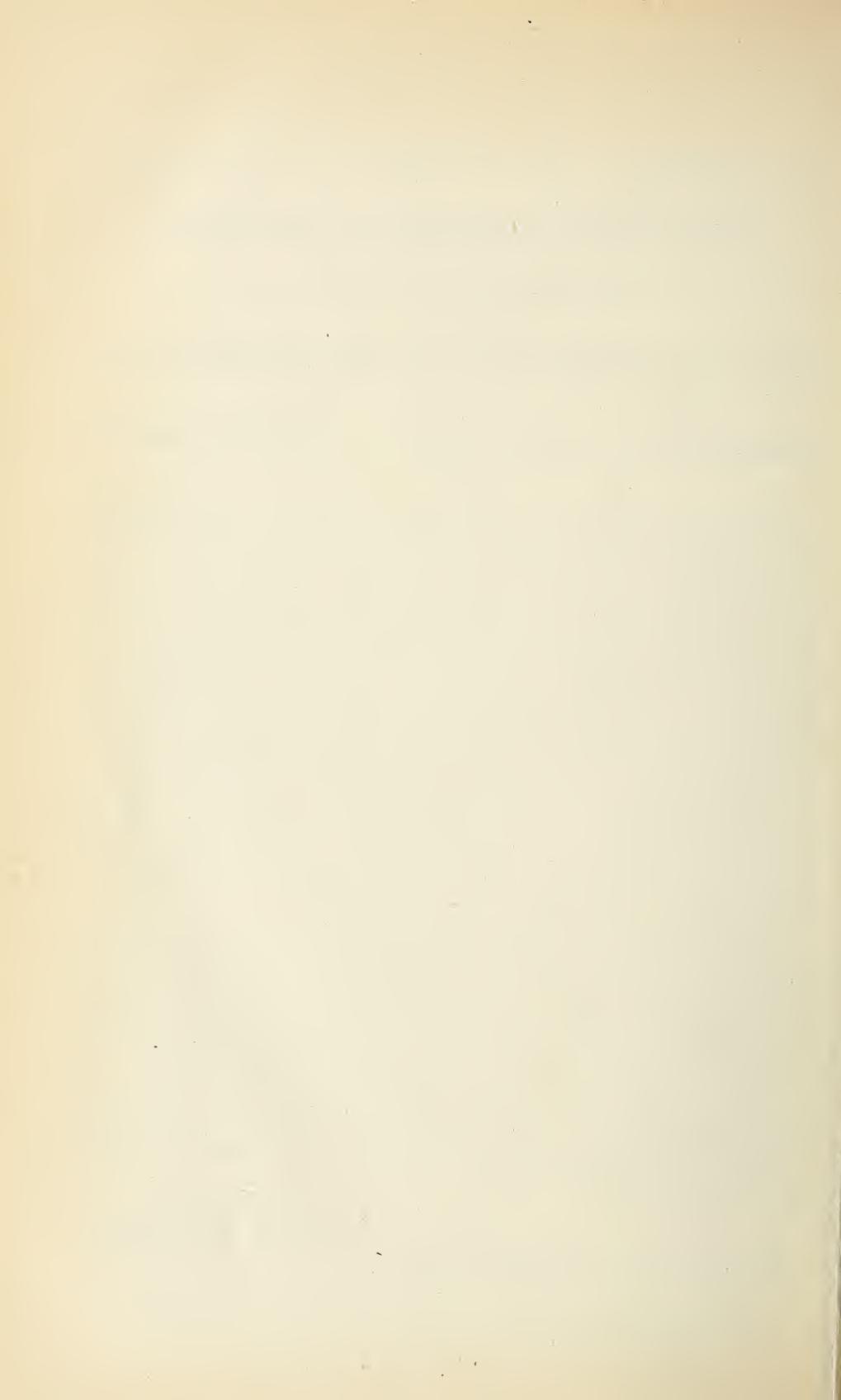
In due course two criminal informations were filed in the District Court of the United States for the District of New Jersey, one for each of the above shipments, charging the same, and that the product was misbranded within the meaning of the act, in that the packages containing said product failed to bear a statement on the label thereon of the quantity or proportion of acetanilid contained therein. On October 11, 1909, the defendant entered a plea of non vult to the above informations, and the court suspended sentence in both cases.

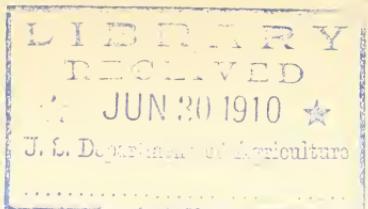
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.

O





F. & D. No. 445.  
I. S. Nos. 13815-a, 13817-a, 13818-a.

Issued June 28, 1910.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 419, FOOD AND DRUGS ACT.

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#### ADULTERATION OF MILK.

On or about August 27, 1908, Frank Stark of St Johns, Ind., shipped from the State of Indiana into the State of Illinois a quantity of milk. Samples from this shipment were procured and analyzed by the Bureau of Chemistry of the United States Department of Agriculture, and as the findings of the analyst and report made indicated that the product was adulterated within the meaning of the Food and Drugs Act, June 30, 1906, said Frank Stark, and the party from whom the samples were procured, were afforded opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course an indictment was brought in the District Court of the United States for the District of Indiana by the grand jury of said district, charging the above shipment, and that the milk was adulterated in that water had been mixed therewith so as to reduce and lower the quality and strength of said milk, and further charging that water had been substituted in part for said milk.

Upon arraignment the defendant pleaded guilty to the indictment and the court imposed a fine of \$10 and costs of prosecution.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.

O





F. & D. No. 444.  
I. S. No. 12052-a, 12054-a.

Issued June 28, 1910.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 420, FOOD AND DRUGS ACT.

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#### ADULTERATION OF MILK.

On or about August 27, 1908, M. J. Klein, Creston, Ind., shipped from the State of Indiana into the State of Illinois a quantity of milk. Samples from this shipment were procured and analyzed by the Bureau of Chemistry of the United States Department of Agriculture, and as the findings of the analyst and report made indicated that the product was misbranded within the meaning of the Food and Drugs Act, June 30, 1906, said M. J. Klein, and the party from whom the samples were procured, were afforded opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course an indictment was brought in the District Court of the United States for the District of Indiana by the grand jury of said district, charging the above shipment, and that the said product was adulterated within the meaning of said act, in that water had been mixed with the milk so as to reduce and lower its quality and strength, and further charging that water had been substituted in part for said milk.

Upon arraignment the defendant pleaded guilty to this indictment and the court imposed a fine of \$10 and costs of prosecution.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.

O



F. & D. No. 442.  
I. S. No. 17802-A.

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U. S. Department of Agriculture

Issued June 28, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 421, FOOD AND DRUGS ACT.

### ADULTERATION OF MILK.

On or about August 27, 1908, W. E. Bruce, Lowell, Ind., shipped from the State of Indiana into the State of Illinois a quantity of milk. Samples from this shipment were procured and analyzed in the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made indicated that said milk was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, said W. E. Bruce and the party from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course an indictment was brought in the District Court of the United States for the District of Indiana by the grand jury of said district, charging the above shipment and that the milk therein contained was adulterated within the meaning of said act, in that a valuable constituent of the said milk, to wit, cream, had been in part abstracted therefrom.

Upon arraignment the defendant pleaded guilty to the above indictment and the court imposed a fine of \$10 and costs of prosecution.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.

O

46080—No. 421—10



F. & D. No. 283.  
I. S. No. 6790-a.



Issued June 28, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 422, FOOD AND DRUGS ACT.

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### MISBRANDING OF CANNED CORN.

(UNDER WEIGHT.)

On or about July 23, 1909, the Audubon Canning Company, a corporation of Audubon, Iowa, shipped from said state of Iowa to the state of Utah a quantity of canned corn. Samples from this shipment were procured and examined by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Audubon Canning Company and the party from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Southern District of Iowa, charging the above shipment and that the product in question was misbranded within the meaning of the said act, in that the cases containing said cans of corn were labeled "Two Doz. Two Pounds, Sweet Corn, Audubon Canning Company, Audubon, Iowa," which said brand and label was false and untrue, because in truth and in fact the said cases contained 24 cans of sweet corn each, and each can contained 24 ounces of sweet corn and no more.

On September 29, 1909, defendant filed a plea of guilty to this information and the court imposed a fine of \$25 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.

O



F. & D. No. 438.  
I. S. No. 12937-a.



Issued June 28, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 423, FOOD AND DRUGS ACT.

### ADULTERATION OF MILK.

On or about August 28, 1908, William Huff, of Kenosha County, Wis., shipped from the State of Wisconsin to the State of Illinois a quantity of milk. Samples of this product were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon indicated that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said William Huff, and the party from whom the samples were procured, opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution. In due course a criminal information was filed in the District Court of the United States for the Eastern District of Wisconsin charging the above shipment and that the product was adulterated within the meaning of the act, in that water had been mixed therewith so as to reduce and lower its quality and strength, and that by such mixing another substance had been substituted in part for the said milk.

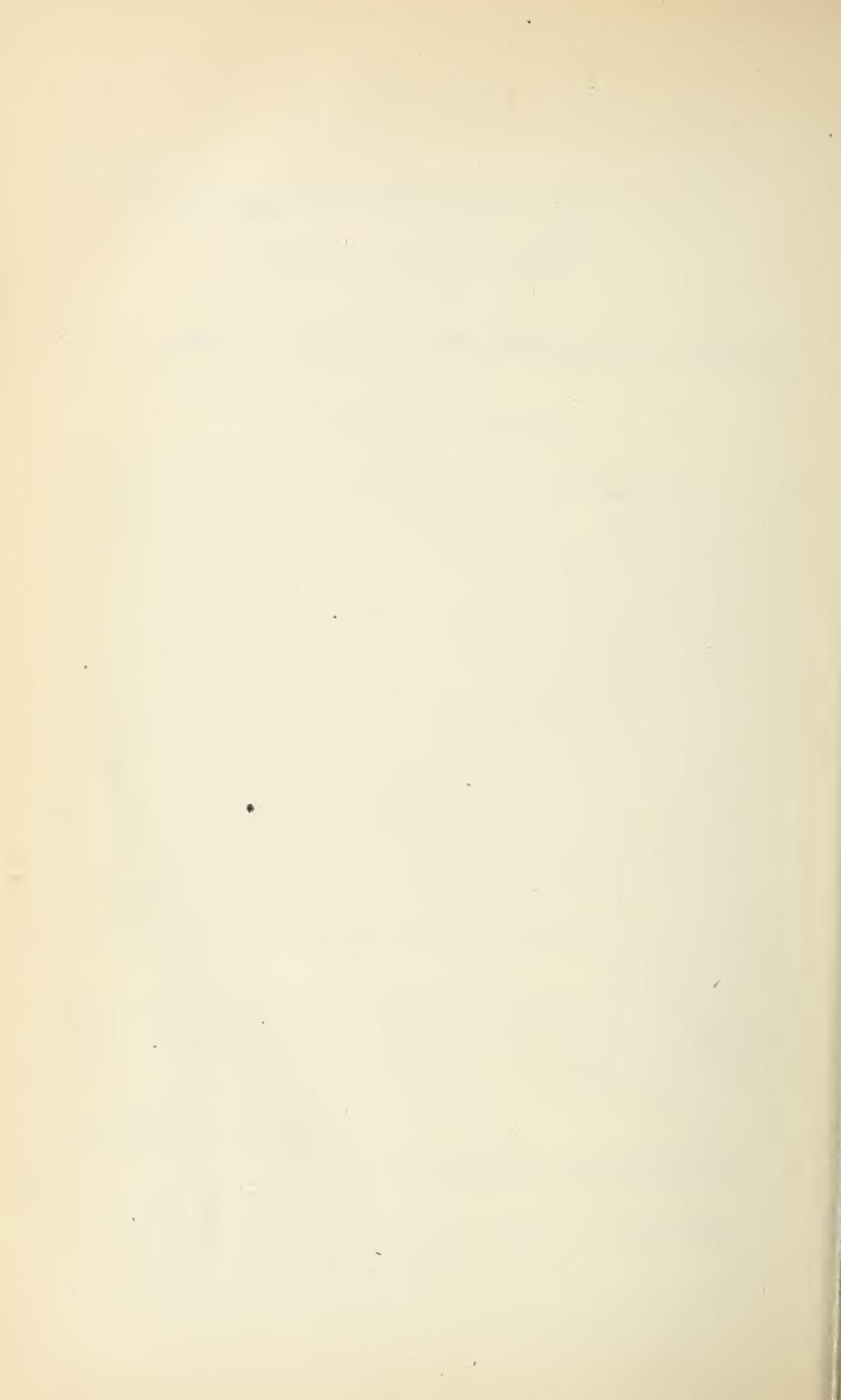
On August 20, 1909, the defendant was arraigned, entered a plea of guilty, and the court imposed a fine of \$25 and costs of prosecution.

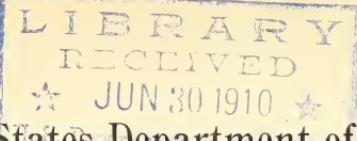
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.

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Issued June 28, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 424, FOOD AND DRUGS ACT.

### MISBRANDING OF "TUCKAHOE LITHIA WATER."

On or about July 9, 1908, the Tuckahoe Mineral Springs Company, a corporation, Northumberland, Pa., shipped from said State of Pennsylvania to the city of Washington, in the District of Columbia, a quantity of "Tuckahoe Lithia Water." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, said Tuckahoe Mineral Springs Company, and the party from whom the samples were procured, were afforded opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution. In due course a criminal information was filed in the District Court of the United States for the Middle District of Pennsylvania charging the above shipment and alleging that the product was misbranded within the meaning of the said act, because it bore a label containing, inter alia, the following words and statement, to wit, "Tuckahoe Lithia Water," and "This water is a sure solvent for calculi, either of the kidneys or liver, especially indicated in all diseases due to uric acid diathesis, such as gout, rheumatism, gravel stone, incipient diabetes, Bright's Disease, inflamed bladder, eczema, stomach, nervous, and malarial disorders," which words and statement were false and misleading and calculated to deceive and mislead the purchaser, for the reason that the said article was not a sure solvent for calculi of the kidneys or liver, as above alleged to be.

On May 3, 1910, the defendant entered a plea of guilty to this information, and the court imposed a fine of \$25 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.

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Issued June 28, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 425, FOOD AND DRUGS ACT.

### ADULTERATION OF CREAM.

On or about March 31, 1910, Albert A. Boyer, of Jefferson, Md., sold and delivered at the Union Station, Washington, D. C., a quantity of cream. Dr. Wm. C. Woodward, health officer of the District of Columbia, acting by authority of the Secretary of Agriculture, caused a sample from the above delivery to be procured and analyzed. As the findings of the analyst and report made indicated that the cream was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the said Albert A. Boyer was afforded an opportunity for hearing, and as it appeared after hearing held that this shipment was made in violation of the said act, the said health officer reported the facts to the United States Attorney for the District of Columbia.

In due course a criminal information against the said Albert A. Boyer was filed in the police court of the District of Columbia, charging that the said cream was adulterated in that a valuable constituent of said article of food, to wit, butter fat, had been left out and extracted wholly or in part.

On May 6, 1910, the defendant pleaded guilty to the information and the court imposed a fine of \$10.

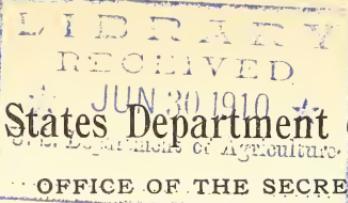
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.







Issued June 28, 1910.

# United States Department of Agriculture,

Office of the Secretary.

## NOTICE OF JUDGMENT NO. 426, FOOD AND DRUGS ACT.

### MISBRANDING OF A DRUG PRODUCT—"SPORTY DAYS INVIGORATOR."

On or about November 10, 1908, Julian Simon, Ira Simon, and Herbert Simon, doing business as J. Simon & Sons, St. Louis, Mo., shipped from said State of Missouri to the State of Illinois a quantity of a drug product labeled "Sporty Days Invigorator." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, said J. Simon & Sons, and the party from whom the samples were procured, were afforded opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Eastern Division of the Eastern Judicial District of Missouri, charging the above shipment and alleging that the product was misbranded within the meaning of the act, in that the contents of said bottles were labeled and sold as a drug and that the label upon said bottle did not declare the amount of alcohol contained therein, nor that said product contained any alcohol.

On May 2, 1910, the defendants entered a plea of guilty to this information and the court imposed a fine of \$50 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

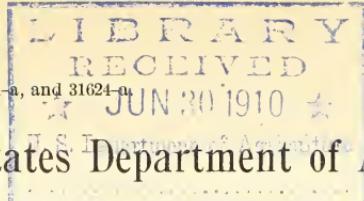
JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.

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I. S. Nos. 1-b, 16586-a, 31621-a, and 31624-a  
F. & D. No. 1135.



Issued June 28, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 427, FOOD AND DRUGS ACT.

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### MISBRANDING OF A DRUG PRODUCT—"CANCERINE."

On or about April 12, 1909, C. Henry Wilson, of Shelton, Conn., shipped from the State of Connecticut to the District of Columbia a consignment of a drug product labeled "Cancerine." Samples from this shipment were procured and analyzed in the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said C. Henry Wilson and the party from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the District of Connecticut, charging the above shipment and alleging that said product was misbranded within the meaning of the said act, in the following particulars: That the label of the carton containing said product bore a statement that "This extract contains 2% alcohol," but in the stamping of said statement upon the label of said carton the size of the type used to declare the information as to the quantity and proportion of alcohol contained in said drug was smaller than 8-point (brevier) capitals, in violation of the regulations formulated by the Secretary of Agriculture under authority of section 3 of the act; that the product bore, upon the label of the carton and bottle, the word "Cancerine," which name was false and misleading in that it implied that said drug would cure or tend to cure cancer, which statement was not true and is not true; that the package in which said drug was contained bore in and upon the wrapper and in and upon the pamphlet packed with and accompanying the said drug, the following statements, to wit: "A remarkably curative extract which if faithfully adhered to will entirely eradicate cancerous poison from the system" and "A

specific cure for cancer in all its forms," which statements were and are false and misleading, in that the claims therein made for said drug were unfounded.

On April 18, 1910, the defendants entered a plea of guilty to this information and the court imposed a fine of \$100.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.

O

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 428, FOOD AND DRUGS ACT.

MISBRANDING OF HEADACHE POWDERS.

On or about November 4, 1909, the Pullen-Richardson Chemical Co., a corporation, St. Louis, Mo., shipped from said State of Missouri to the State of Georgia a drug product labeled "Knox's Head-ake Powders." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, said Pullen-Richardson Chemical Co. and the party from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Eastern Division of the Eastern Judicial District of Missouri, charging the above shipment and alleging that the product was misbranded in that it was labeled on the reverse side: "A new remedy and the most certain cure for headaches, neuralgia, la grippe, and for the immediate relief of all pain. Very pleasant to take. Contains neither morphine, chloral, opium, cocaine, antipyrine—contains one-half ounce acetanilid in each ounce," when, as a matter of fact, the powders in question contained more than one-half ounce of acetanilid to the ounce of powders, to wit, practically two-thirds of an ounce, and the label upon said box failed to bear a correct statement of the quantity and proportion of acetanilid contained in said powders, and further that said powders were not safe nor sure nor a most certain cure for headaches, neuralgia, la grippe, and the relief of all pain, as set forth in the label above quoted, which was therefore false and misleading.

On May 2, 1910, the defendant entered a plea of guilty to this information and the court imposed a fine of \$10 and costs.

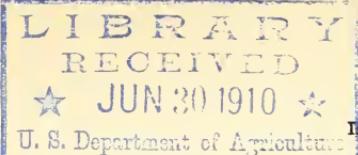
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.



I S No. 22892-a.  
r. & D. No. 1125.



Issued June 28, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 429, FOOD AND DRUGS ACT.

### MISBRANDING OF HOLLAND RUSK.

On or about April 16, 1909, Joseph Schellings, Brooklyn, N. Y., shipped from the State of New York to the State of New Jersey a quantity of alleged Holland Rusk. Samples of this product were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded said Joseph Schellings, and the party from whom the samples were procured, opportunities for hearings. As it appeared after hearings held that said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Eastern District of New York charging the above shipment and that the product was misbranded within the meaning of the act, because it was labeled "Original Holland Rusk made in Holland. Delicious, nourishing and healthful," when as a matter of fact said article was not a product of the Kingdom of Holland but was made in the Borough of Brooklyn, County of Kings, State of New York.

On May 3, 1910, the defendant filed a plea of guilty to the above information and was fined \$15.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.

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F. & D. No. 66-C.



Issued June 28, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 430, FOOD AND DRUGS ACT.

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### ADULTERATION OF CREAM.

On or about February 2, 1910, Ben White, of Adamstown, Md., sold and delivered at the Union Station, Washington, D. C., a quantity of cream. Dr. William C. Woodward, health officer of the District of Columbia, acting by authority of the Secretary of Agriculture, caused a sample from the above delivery to be procured and analyzed. As the findings of the analyst and report made indicated that the cream was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the said Ben White was afforded an opportunity for a hearing, and as it appeared after hearing held that the sale was made in violation of the said act, said health officer reported the facts to the United States attorney for the District of Columbia.

In due course a criminal information against the said Ben White was filed in the Police Court of the District of Columbia charging that the said cream was adulterated, in that a valuable constituent, to wit, butter fat, had been left out and abstracted wholly or in part.

On April 18, 1910, the defendant pleaded guilty to the above information and the court imposed a fine of \$10.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

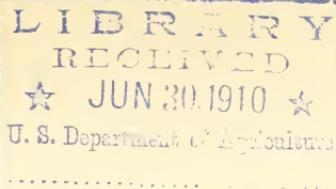
JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.

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46080—No. 430—10





I. S. No. 2566-a.  
F. & D. No. 552.

Issued June 28, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 431, FOOD AND DRUGS ACT.

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### MISBRANDING OF CHEESE.

On or about March 18, 1908, the Muscatine French Cheese Company, a corporation, Wilton Junction, Iowa, shipped from the State of Iowa to the State of Illinois a quantity of cheese labeled "Fromage de Brie Trade Mark Circle X Brand." Samples from this shipment were procured and examined by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said Muscatine French Cheese Company, and the dealer from whom the samples were procured, were afforded opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence on which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Southern District of Iowa charging the above shipment and that the product was misbranded within the meaning of said act, in that its label above quoted was such as to deceive and mislead the purchaser and to cause said purchaser to believe the product to be a French cheese known as Fromage de Brie, when, as a matter of fact and in truth, it was a cheese of domestic origin manufactured within the State of Iowa.

On October 7, 1909, the defendant filed a plea of guilty to the above information and the court imposed a fine of \$10 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.

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I. S. No. 23121-a.  
F. & D. No. 791.

Issued June 28, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 432, FOOD AND DRUGS ACT.

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### ADULTERATION AND MISBRANDING OF "SUCRENE DAIRY FEED."

On or about February 22, 1909, the American Milling Company, a corporation under the laws of New Jersey and doing business at Peoria, Ill., shipped from the State of Illinois to the State of Iowa a quantity of stock feed. Samples from this shipment were procured and examined by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made thereon indicated that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said American Milling Company, and the party from whom the samples were procured, were afforded opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Southern District of Illinois charging the above shipment and that said product, which was labeled "100 pounds American Milling Company, Chicago, Ill. Sucrene Dairy Feed, Protein 16.50%, Fat 3.50%, Fibre 12%, made from cottonseed meal, wheat feed, corn, oats and molasses. Mfg. at Peoria, Ill.," was adulterated in that said product contained weed seeds and chaff mixed and packed with it so as to reduce and lower and injuriously affect its quality and strength, and that said weed seeds and chaff were substituted in part for the ingredients which said label represented as composing said product; and further charging that the product in question was misbranded in that the label above quoted was false and misleading and would deceive and mislead the purchaser, as it purported to contain a full statement of all the ingredients then and there

contained in said article of food, when as a matter of fact weed seeds and chaff were contained therein and unlawfully omitted from said label.

This case, coming on for trial, was presented to the judge of said court without the intervention of a jury and the defendant was found guilty and fined \$20 and costs.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *May 23, 1910.*



I. S. No. 7723-a.  
F. & D. No. 309.



Issued June 28, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 433, FOOD AND DRUGS ACT.

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### MISBRANDING OF SKIN FOOD—"EPP-O-TONE."

On or about February 17, 1908, the La Cottel Manufacturing Company, of Detroit, Mich., shipped from the State of Michigan to the State of Ohio a consignment of a preparation labeled "Epp-o-tone, a skin food for beautifying the complexion." A sample of this preparation was procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report thereon indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, said La Cottel Manufacturing Company, and the party from whom the sample was procured, were afforded opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Eastern District of Michigan charging the above shipment and that said product consisted essentially of magnesium sulphate, commonly known as Epsom Salts, colored with a pink dye, and was not a skin food in any sense or beneficial to the skin, and was therefore misbranded within the meaning of the act.

On January 26, 1909, the defendant filed a plea of nolo contendere and the court imposed a fine of \$10.

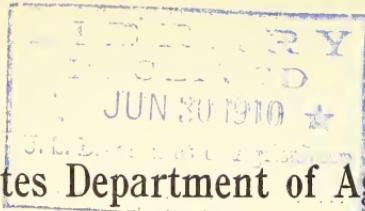
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.

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Issued June 28, 1910.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 434, FOOD AND DRUGS ACT.

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#### MISBRANDING OF A DRUG—"EAU SUBLIME HAIR COLORING."

On or about August 28, 1909, Hippolyte Guilmard, of New York City, N. Y., shipped from the State of New York to the State of Pennsylvania a quantity of a drug product labeled "Eau Sublime Hair Coloring." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, said Hippolyte Guilmard was afforded an opportunity for hearing. As it appeared after hearing held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the Circuit Court of the United States for the Southern District of New York charging the above shipment and alleging that the product was misbranded, in that the carton in which the drug was inclosed contained a circular reading as follows:

Greatest Discovery of an eminent French Chemist Specialist. A foremost member at the Laboratory of Scientific Researches. Approved by the faculty. The most marvelous scientific hair coloring produced. Superior to all instantaneous and progressive dyes. It will not fade nor turn green, being positively harmless, odorless and inoffensive. Not only harmless but beneficial, removing dandruff and prevents the hair from falling out. \* \* \*

and in that the bottles containing the said drug product bore the following label:

(Patent applied for) Registered No. 7204.

An instantaneous vegetable hair coloring. By one single application will color gray, faded and bleached hair any shade, from ash blonde to most beautiful black. Removes dandruff and prevents the hair from falling out. Harmless and durable.

Directions inside. Sold by all druggists and hair dealers. Endorsed by U. S. Health Board, New York. This dye cannot be washed off or bleached out. Mrs. H. Guilmar. None genuine without my signature.

when, as a matter of fact, the statements above quoted were false and misleading, because they would indicate that the product in question was a vegetable substance which would color the hair, whereas, in truth, there was no vegetable substance in said drug which would color the hair; because said words would indicate that said drug would remove dandruff and prevent the hair from falling out, whereas, in truth, it would not attain either object; because said words would indicate that no harmful results would ensue from its use, whereas, in truth, the use of said drug would tend to produce an eczema of the scalp; and because said words would indicate that the product in question was officially endorsed by the United States Health Board, whereas, in truth, said preparation was not officially endorsed by said board in any way.

On May 4, 1910; the defendant entered a plea of guilty to this information, and the court imposed a fine of \$5.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *May 23, 1910.*





S. No. 528.  
F. & D. No. 1420.

Issued June 28, 1910.

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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### NOTICE OF JUDGMENT NO. 435, FOOD AND DRUGS ACT.

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#### MISBRANDING OF STOCK FEED.

During the month of April, 1910, E. P. Mueller, Norfolk, Va., shipped from the State of Virginia to the District of Columbia 444 sacks labeled "Molasses Feed." Analysis of samples of this product made in the Bureau of Chemistry, United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the product was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the District of Columbia.

In due course a libel was filed against the said 444 sacks of stock feed, charging misbranding of the product within the meaning of the Food and Drugs Act of June 30, 1906, in that approximately 100 of said sacks were labeled by means of a tag attached to each: "100 lbs. Molasses Feed—Ingredients Molasses, Malt Sprouts and Cotton-seed Meal Manufactured by E. P. Mueller, Norfolk, Va.," and 400 of said sacks were further labeled by means of a stenciled label: "100 lbs. Muellers, Molasses Grains. Analysis, Crude Protein 10%, Fat 3½%, Carbohydrates 45%, Fibre 12%, Ingredients, Molasses, Cotton Seed Meal, Alfalfa, Wheat Bran, Cob Meal—E. P. Mueller, Norfolk, Va., For Drawback," when as a matter of fact no cottonseed meal was contained in any of the said sacks, nor was it an ingredient thereof, nor were there in the 400 sacks labeled as containing alfalfa meal and wheat bran, either of said ingredients present, and that said labels were therefore false and misleading and calculated to deceive the purchaser.

On April 27, 1910, Samuel T. Dickerson, Jr., of Washington, D. C., entered his appearance as claimant and filed a plea and answer admitting the allegations above set forth, pleading guilty to the same and consenting that judgment of condemnation be entered against the goods, and petitioning that he be allowed to pay the costs of said proceedings, and that said goods be released to him upon his executing and delivering a good and sufficient bond conditioned that the product in question should not be sold contrary to law.

The next day judgment of condemnation was entered by the court, and on May 3, the product was released to the said Samuel T. Dickerson, Jr., a good and sufficient bond having been filed by him, conditioned as above set forth.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *May 23, 1910.*

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A JUN 28 1910  
Circular to all post offices

Issued June 28, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 436, FOOD AND DRUGS ACT.

### MISBRANDING OF CANNED PINEAPPLE.

(SHORT WEIGHT.)

During the months of July, August, and September, 1908, the Hawaiian Development Company of Honolulu, Hawaii, shipped from the Territory of Hawaii to the State of California 5,000 cases of canned pineapple. Analysis of samples of this product made in the Bureau of Chemistry, United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the product was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Northern District of California.

In due course a libel was filed in the District Court of the United States, in and for said district, against said 5,000 cases of pineapple, charging the misbranding of said product within the meaning of the act, in that each of said 5,000 cases was labeled or branded "2 Doz. 2 lb. Pineapple, Hala Canning Company," when as a matter of truth and in fact the average weight of the pineapple in each can in said cases was only 1 pound 6 ounces and the true weight of the pineapple so contained in said cans was not plainly and correctly stated on the outside of said cases, nor was it stated at all on the cans, the label appearing on each of said cases being therefore false and misleading in the particulars just stated.

Thereupon Parrott & Company, San Francisco, Cal., entered an appearance and set up a claim to the product, and the case coming on for hearing, the goods in question were released to the claimant, by order of the court, upon the filing of a bond conditioned that said product should not be sold in violation of law.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.







# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 437, FOOD AND DRUGS ACT.

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### ADULTERATION OF MILK.

On or about August 20, 1908, Charles W. Carney, Washington, D. C., sold and offered for sale in said city a quantity of milk. Dr. William C. Woodward, health officer of the District of Columbia, acting by authority of the Secretary of Agriculture, caused a sample of the above product to be procured and analyzed. As the findings of the analyst and report made indicated that the milk was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the said Charles W. Carney was afforded an opportunity for hearing, and as it appeared after hearing held that the sale was in violation of the act, the said health officer reported the facts to the United States attorney for the District of Columbia.

In due course a criminal information was filed against the said Charles W. Carney in the Police Court of the District of Columbia charging that the said milk was adulterated, in that a certain substance, to wit, water, had been mixed and packed therewith so as to reduce and lower and injuriously affect the quality and strength of the said milk.

On December 2, 1908, the defendant was arraigned, entered a plea of not guilty to the information, and trial was held, resulting in the acquittal of said defendant.

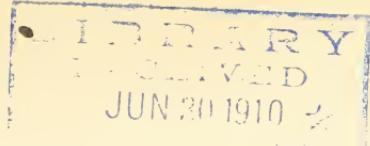
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.







F. & D. No. 67-C.

Issued June 28, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 438, FOOD AND DRUGS ACT.

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### ADULTERATION AND MISBRANDING OF ICE CREAM.

On or about May 13, 1909, Joseph J. Bischof, Washington, D. C., manufactured, sold, and offered for sale in said city a quantity of alleged ice cream. Dr. William C. Woodward, health officer of the District of Columbia, acting by virtue of authority from the Secretary of Agriculture, caused samples of this product to be purchased and analyzed. As the findings of the analyst and report made indicated that said product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the said Joseph J. Bischof was afforded an opportunity for hearing, and as it appeared after hearing held that the said manufacturing, sale, and offering for sale were in violation of the act, the said health officer reported the facts to the United States attorney for the District of Columbia.

On July 7, 1909, a criminal information was filed in the Police Court of the District of Columbia charging the said Joseph J. Bischof with the sale of adulterated ice cream within the said District. To this information defendant interposed a demurrer, which was argued and overruled. The case was continued from time to time by agreement until February 24, 1910, when a new criminal information was filed in the court aforesaid, charging the manufacturing, sale, and offering for sale of the product in question and alleging that it was misbranded in that it was an imitation of ice cream, and manufactured, sold, and offered for sale within said District under the distinctive name of another article of food, to wit, ice cream; that it was adulterated in that a valuable constituent thereof, to wit, cream, had been left out and abstracted and another substance, to wit, gelatin, had been mixed and packed with it so as to reduce, lower, and injuriously affect its quality.

In due course the case came on for trial and after the Government had rested and the defense had put in a part of its case the court, of its own motion, instructed the jury to bring in a verdict of not guilty, which was done.

Decisions of Federal trial courts adverse to the Government in cases arising under the act will not be accepted as final until acquiescence shall have been published.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *May 23, 1910.*

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Issued June 28, 1910.

JUN 28 1910

## United States Department of Agriculture,

OFFICE OF THE SECRETARY.

**NOTICE OF JUDGMENT NO. 439, FOOD AND DRUGS ACT.****MISBRANDING OF FLOUR.**

During the month of November, 1908, the La Grande Milling Company, La Grande, Oreg., shipped from the said State of Oregon to the State of California 1,000 sacks of flour. Examination of samples of this product made in the Bureau of Chemistry, United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the product was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States Attorney for the Northern District of California.

In due course a libel was filed in the District Court of the United States, in and for said district, against the said 1,000 sacks of flour charging said product to be misbranded within the meaning of the act, because each of said thousand sacks bore the label or brand "California Queen Extra Patent Family Flour. Henry F. Allen, agent, San Francisco" and was also marked on the end thereof in red letters "California Queen," when as a matter of truth and fact the flour contained in each and every one of said sacks was manufactured by the La Grande Milling Company at La Grande in the State of Oregon, and the label appearing on each of said sacks was therefore false and misleading.

Thereupon H. F. Allen, San Francisco, Cal., entered an appearance and set up a claim to the product, and the case coming on for hearing, the goods were released to said claimant in accordance with the provisions of section 10 of the act, by order of court, upon the filing of a bond conditioned that said product should not be sold in violation of law.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.





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Issued June 28, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 440, FOOD AND DRUGS ACT.

### MISBRANDING OF CANNED CORN.

(SHORT WEIGHT.)

On or about July 4, 1908, the A. N. Chaney Company, Des Moines, Iowa, shipped from the State of Iowa to the State of California 900 cases of canned sweet corn. An examination of samples of this product made in the Bureau of Chemistry, United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the above examination and the report made that the product was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the northern district of California.

In due course a libel was filed in the District Court of the United States for said District, charging said product to be misbranded within the meaning of the act, in that, whereas each of the said 900 cases bore the label or brand "2 Doz. 2-lb. Sweet Corn, Audubon Canning Co., Audubon, Iowa," as a matter of truth and fact the average weight of corn in each can of each and every case above mentioned was only 1 pound  $5\frac{3}{4}$  ounces and the correct weight of the corn in said cans was not plainly and correctly stated on the outside of the cases or stated at all, and the label appearing on cases of the corn mentioned was, therefore, false and misleading in the particulars just stated.

Thereupon Getz Brothers & Company, San Francisco, Cal., entered an appearance and set up claim to this product, and the case coming on for hearing, the goods were released to said claimant in accordance with the provisions of section 10 of the act, by order of court, upon the filing of a bond conditioned that said product should not be sold in violation of law.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.





# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 441, FOOD AND DRUGS ACT.

### MISBRANDING OF OLIVE OIL.

On or about October 26, 1907, Getz Bros. & Co., San Francisco, Cal., shipped from the State of California to the State of Washington a consignment of oil labeled as follows: "G Brand: Finest Lucca Oil: Getz Bros. & Co., San Francisco, Cal." Samples from the above shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as it appeared from the findings of the analyst and report made that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said Getz Bros. & Co., and the party from whom the samples were procured, were afforded opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course an indictment was brought in the District Court of the United States for the Northern District of California by the grand jury of said District charging the above shipment, and alleging that the product was adulterated within the meaning of the act because a large quantity of cottonseed oil had been mixed and packed with the said olive oil, so as to reduce and lower its quality and strength, and that it was also misbranded because the label was calculated to deceive and mislead the purchaser, and to cause him to believe it was pure olive oil, whereas, in truth and in fact, the said article of food was not pure olive oil, but contained a large quantity of cottonseed oil, and was a mixture of cottonseed oil and olive oil.

On November 21, 1908, the defendant entered a plea of guilty to this indictment, and on November 24, 1908, the court imposed a fine of \$100.

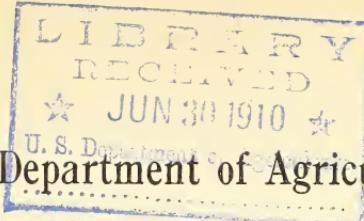
This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.







Issued June 28, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 442, FOOD AND DRUGS ACT.

### MISBRANDING OF CANNED BLUEBERRIES.

(SHORT WEIGHT.)

During the month of August, 1908, the Schoodock Pond Packing Co., of Columbia Falls, Me., shipped from the State of Maine into the State of New York 680 packages of canned blueberries in two shipments, of 180 and 500 packages, respectively. An examination of samples of this product made in the Bureau of Chemistry of the United States Department of Agriculture showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the product was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Northern District of New York.

In due course libels were filed against the above shipments charging that the 180 packages above mentioned were misbranded in that each of them bore on the outside thereof the words "2 doz. 2-lb. Cans Blueberries," when, as a matter of fact, said packages did not each contain two dozen cans of blueberries weighing two pounds each, but contained two dozen cans, each of which was less in weight than the amount shown by the lettering on said cases; that the said 500 packages were misbranded in that each of them bore on the outside thereof the words, "½ doz. Gallon Cans, Schoodock Pond Packing Co. Blueberries," when, as a matter of fact, said packages did not each contain one-half dozen gallon cans of blueberries, but contained one-half dozen cans, each of which was less in weight than set forth in the label above quoted, said labels being, therefore, false and misleading so as to deceive and mislead the purchaser.

Thereupon the Schoodock Pond Packing Co. entered an appearance and set up a claim to the above product, admitting the allegations of said libels, but claiming that the shipments in question were without fraudulent intent and petitioning that it be allowed, in accordance with the provisions of section 10 of the act, to pay the costs and expenses of the proceedings herein and that the goods in question be delivered to said petitioner upon its executing and delivering a good and sufficient bond conditioned that such product should not be sold or otherwise disposed of contrary to law.

In due course the above cases came on for trial and the court, being fully informed in the premises, entered its decree sustaining the allegations of the above libels, approving the bond submitted by the claimant conditioned as above, and directing the release of the goods to said claimant, the costs of the proceedings having been paid by it.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *May 23, 1910.*





Issued June 28, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY

## NOTICE OF JUDGMENT NO. 443, FOOD AND DRUGS ACT.

### MISBRANDING OF FLOUR.

During the month of November, 1908, the Wasco Warehouse Milling Company of The Dalles, Oreg., shipped from the State of Oregon to the State of California 3,000 sacks of flour. Examination of samples of this product made in the Bureau of Chemistry, United States Department of Agriculture, showed it to be misbranded within the meaning of the Food and Drugs Act of June 30, 1906, and as it appeared from the findings of the analyst and report made that the product was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Northern District of California.

In due course a libel was filed against said 3,000 sacks of flour charging the misbranding of said product within the meaning of the act, because each and every one of said sacks of flour was labeled or branded "Mission Chimes, Highest Patent Family Flour, Special Blend, Selected Wheat, Hutton Milling Company, San Francisco, California," there being on each of said labels a picture of a mission building marked "Santa Clara Mission," and printed in red on the end of each of said sacks "Mission Chimes," when in truth and in fact the said flour was manufactured in the State of Oregon, by the Wasco Warehouse Milling Company, in the city of The Dalles in the State of Oregon, and the labels above referred to as appearing on each of said sacks of flour were therefore false and misleading in the particulars just stated.

Thereupon C. A. Hutton Flour Company, San Francisco, Cal., entered an appearance and set up a claim to the product and the case coming on for hearing, the goods were released to said claimant, in accordance with the provisions of section 10 of the act, by order of the court, upon the filing of a bond conditioned that said product should not be sold in violation of law.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.





I .S. Nos. 415-b and 8227-b.  
F. & D. Nos. 1285 and 1287.

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U. S. Department of Agriculture

Issued June 28, 1910.

# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

### NOTICE OF JUDGMENT NO. 444, FOOD AND DRUGS ACT.

#### ADULTERATION AND MISBRANDING OF LEMON FLAVOR.

On or about July 15, 1909, and August 6, 1909, William Rippey, Cincinnati, Ohio, shipped from the State of Ohio to the State of Kentucky consignments of an alleged lemon flavor, the product contained in the first shipment bearing the label "Milton's Lemon Flavor Compound. A Terpeneless Lemon Flavor. Oil Lemon  $\frac{1}{2}\%$ , Alcohol 40%, water 59 $\frac{1}{2}\%$ . Color Trace. For flavoring ice cream, candies, cake, etc. Our guarantee and serial No. 2129. Wm. Rippey, Cincinnati, Ohio," and the product contained in the second shipment bearing an identical label, with the exception that the words "A Terpeneless Lemon Flavor" were omitted. Samples from these shipments were procured and analyzed by the Bureau of Chemistry of the United States Department of Agriculture, and as the findings of the analyst and report thereon indicated that the products were adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the said William Rippey and the dealers from whom the samples were procured were afforded opportunities for hearings. As it appeared after hearings held that the said shipments were made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course two criminal informations were filed in the District Court of the United States for the Southern District of Ohio, one of them charging the shipment first above mentioned and alleging that the product therein contained was adulterated in that a dilute solution of alcohol and water was substituted wholly or in greater part for said terpeneless lemon flavor, the said product containing no more than 0.02 per cent of citral, whereas in order to be terpeneless lemon flavor it should have contained at least 0.2 per cent of said citral; in that the said dilute solution of alcohol and water was mixed and packed with said product so as to reduce, lower, and injuriously affect its quality and strength; in that the said article was colored artificially in a manner whereby its inferiority was concealed, and further charging the said article to be misbranded in that

it did not contain the one-half per cent of oil of lemon which the label thereon represented it as containing, and that the statements on said labels were untrue and false in representing the article to be a lemon flavor compound and terpeneless lemon flavor, when as a matter of fact its composition was that set forth in the adulteration charge above expressed. The second information charged the latter of the two shipments above mentioned and alleged that the product was adulterated in that a substance, to wit, a highly dilute solution of alcohol, water, and citral, was substituted wholly for said lemon flavor and that the product did not contain any oil of lemon but merely a trace of said "citral," that the said highly dilute solution of alcohol, water, and citral was mixed and packed with said article so as to reduce or lower and injuriously affect its quality and strength, and further charged misbranding because the statement on the label as above quoted was false and misleading in that it represented the article to contain one-half of 1 per cent oil of lemon, when as a matter of fact it contained no oil of lemon, and because the statement on said labels representing the product to be pure lemon flavor was untrue and false, the said article not being a pure lemon flavor or a lemon flavor at all, but a highly dilute solution of alcohol, water, and citral, containing no oil of lemon.

On May 12, 1910, the defendant entered a plea of guilty to each information and the court imposed a fine of \$10 and costs of prosecution in each case.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., *May 23, 1910.*

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U. S. Department of Agriculture

Issued June 28, 1910.

# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

### NOTICE OF JUDGMENT NO. 445, FOOD AND DRUGS ACT.

#### ADULTERATION OF CREAM.

On or about March 27, 1910, John H. Alnutt, of Tuscarora, Md., sold and delivered at the Union Station, Washington, D. C., a quantity of alleged cream. Dr. William C. Woodward, health officer of the District of Columbia, acting by authority of the Secretary of Agriculture, caused a sample from the above delivery to be procured and analyzed, and as the findings of the analyst and report made indicated that the product was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the said John H. Alnutt was afforded an opportunity for hearing, and as it appeared after hearing held that the sale was in violation of the said act, the said health officer reported the facts to the United States attorney for the District of Columbia.

In due course a criminal information was filed against the said John H. Alnutt in the Police Court of the District of Columbia charging that the cream in question was adulterated, in that a valuable constituent of said article of food, to wit, butter fat, had been left out and abstracted wholly or in part.

On May 9, 1910, the defendant entered a plea of guilty to this information, and the court imposed a fine of \$10.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.







# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 446, FOOD AND DRUGS ACT.

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### ADULTERATION OF CREAM.

On or about March 31, 1910, Carter Kelly, of Leesburg, Va., sold and delivered at the Union Station, Washington, D. C., a quantity of alleged cream. Dr. William C. Woodward, health officer of the District of Columbia, acting by authority of the Secretary of Agriculture, caused a sample from the above delivery to be procured and analyzed. As the findings of the analyst and report made indicated that the cream was adulterated within the meaning of the Food and Drugs Act of June 30, 1906, the said Carter Kelly was afforded an opportunity for hearing. As it appeared after hearing held that the sale was made in violation of the act, the said health officer reported the facts to the United States attorney for the District of Columbia.

In due course a criminal information was filed against the said Carter Kelly in the Police Court of the District of Columbia charging that the cream in question was adulterated, in that a valuable constituent of the article, to wit, butter fat, had been left out and abstracted wholly or in part.

On May 10, 1910, the defendant entered a plea of guilty to this information, and the court imposed a fine of \$10.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.





S. No. 404.  
F. & D. No. 1166.



Issued June 28, 1910.

# United States Department of Agriculture, Office of the Secretary.

## NOTICE OF JUDGMENT NO. 447, FOOD AND DRUGS ACT.

### ADULTERATION OF OYSTERS.

On or about January 10, 1910, D. B. Decker, South Norwalk, Conn., shipped from the State of Connecticut to the State of Illinois twenty barrels of oysters. Analysis of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the product was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Northern District of Illinois.

In due course a libel was filed against the said twenty barrels of oysters charging the above shipment and alleging that said product was adulterated within the meaning of the act, in that the oysters in the barrels composing the shipment aforesaid contained added poisonous and other deleterious ingredients which rendered the said oysters injurious to health, and further, that the said oysters consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On May 9, 1910, no answer having been filed to the libel the case came on for a final hearing, and the court decreed the condemnation and destruction of the product in question.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.





S. No. 481.  
F. & D. No. 1329.



Issued June 28, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

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## NOTICE OF JUDGMENT NO. 448, FOOD AND DRUGS ACT.

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### ADULTERATION OF OYSTERS.

On or about March 15, 1910, H. C. Rowe & Company, New Haven, Conn., shipped from the State of Connecticut to the State of Illinois twenty-five gallons of oysters. Analysis of samples of this product made by the Bureau of Chemistry, United States Department of Agriculture, showed it to be adulterated within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the product was liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Northern District of Illinois.

In due course a libel was filed against the said twenty-five gallons of oysters charging that said oysters contained added poisonous and deleterious ingredients which rendered the said oysters injurious to health, and further, that the said oysters consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On May 9, 1910, no answer having been filed to the libel the case came on for a final hearing, and the court decreed the condemnation and destruction of the product in question.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.





Issued June 28, 1910.

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## NOTICE OF JUDGMENT NO. 449, FOOD AND DRUGS ACT.

### MISBRANDING OF DRUGS—"EAMES' TONIC HEADACHE WAFERS."

On or about May 25, 1908, the Celery Cracker Medicine Company, of Manchester, N. H., shipped from the State of New Hampshire to the State of Vermont a quantity of a drug product labeled "Dr. Wm. M. Eames' Tonic Headache Wafers. (Formerly called Celery Crackers.)" Samples from this shipment were procured and analyzed by the Bureau of Chemistry of the United States Department of Agriculture, and as the findings of the analyst and report made indicated that the product was misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Celery Cracker Medicine Company, and the dealer from whom the samples were procured, opportunities for hearings. As it appeared after hearings held that the said shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the District of New Hampshire, charging the above shipment and alleging that the product in question was misbranded within the meaning of the act, because the label thereon stated that the product did not contain any of the "dangerous drugs" enumerated in the act above referred to, when as a matter of fact it did contain one of said drugs, to wit, acetanilide, the said label being therefore false and misleading and calculated to deceive the purchaser.

On June 15, 1909, the defendant entered a plea of nolo contendere and the court imposed a fine of \$25 and costs of prosecution limited to \$25.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.

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OFFICE OF THE SECRETARY.

United States Department of Agriculture,

**NOTICE OF JUDGMENT NO. 450, FOOD AND DRUGS ACT.**

**MISBRANDING OF GRAPE JUICE.**

(SHORT MEASURE.)

On or about March 15, 1910, there was shipped from the State of Ohio to the State of Colorado 256 cases of grape juice, of which 203 were labeled "12 Full Quarts Dark, Absolutely Pure Bass Islands Unfermented Grape Juice. The Bass Islands Vineyards Company, Sandusky, Ohio," and 53 bore identical labels, with the exception that the words "24 Full Pints" appeared in place of the words "12 Full Quarts." An examination of samples of this product, made in the Bureau of Chemistry, United States Department of Agriculture, showed misbranding within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the product was liable to seizure, the Secretary of Agriculture reported the facts to the United States attorney for the District of Colorado.

In due course a libel was filed against the said 256 cases of grape juice, charging misbranding within the meaning of the act, in that the bottles contained in the cases labeled as containing 12 full quarts, did not as a matter of fact each contain a full quart of the product, but no more than 31 ounces, and further that the bottles in the cases marked "24 full pints" did not each contain a full pint of the product, but not exceeding 14 ounces, and that the labels on the said bottles were therefore false so as to mislead the purchaser.

Thereupon the Bass Islands Vineyards Company of Sandusky, Ohio, entered its appearance as claimant of the product in question, and on May 9, 1910, the case coming on for hearing, the court being fully informed in the premises, entered an order sustaining the allegations of the libel above set forth, condemning and forfeiting the product to the United States, with a proviso that said goods be released to the claimant, on the filing of a sufficient bond conditioned that the product should not be sold in violation of the law. A satisfactory bond was filed by the claimant on the same date and the costs having been paid, the goods were released to the claimant.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 23, 1910.

46078—No. 450—10

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## N. J. No.

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Dodge



